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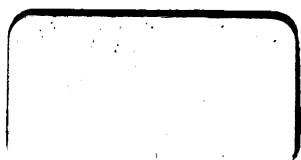
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Receivings

REPORT
OF THE
Seventeenth Annual Meeting
OF THE
Pennsylvania Bar Association

HELD AT
BEDFORD SPRINGS, PA.

June 27, 28, 29, 1911

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EDWIN W. SMITH

Pennsylvania Bar Association

LEHIGH SPRINGS, PA., OCTOBER 10, 1910.

The Seventeenth Annual Meeting of the Pennsylvania Bar Association was called to order in the Hotel at 2 o'clock p. m., President FORT presiding at the chair.

FIRST DAY, AFTERNOON SESSION.

THE PRESIDENT: Gentlemen of the Pennsylvania Bar Association and Guests: The Seventeenth annual meeting is now open. The first thing on the program is the Presidential Address.

I have chosen as my subject "Law and the Language of Legislation"—an ambitious subject; but I did not know how ambitious until I commenced to write it.

PRESIDENT'S ADDRESS

What I asked you this morning and should wait for an answer to your lips would spring the Blackstone definition: "Municipal law is a rule of civil conduct prescribed by the supreme power in a State, commanding what is right, and prohibiting what is wrong." If you thought the question was asked seriously, you would not speak, for you would remember that every commentator has criticised this definition as inadequate. Of it, Bentham said: "On the subject of Law Municipal, he sets out as a



FRANK W. BENTON

Seventeenth Annual Meeting

OF THE

Pennsylvania Bar Association

BEDFORD SPRINGS, PA., Tuesday, *June 27, 1911.*

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What is law? If I asked you this question and should wait for an answer, likely to your lips would spring the Blackstone definition: "Municipal law is a rule of civil conduct prescribed by the supreme power in a State, commanding what is right, and prohibiting what is wrong." If you thought the question was asked seriously, you would not speak, for you would remember that every commentator has criticised this definition as inadequate. Of it, Bentham said: "On the subject of Law Municipal, he sets out as a

man ought with the definition of the phrase itself; an important and fundamental phrase, which stood highly in need of a definition, but never so much as since our author has defined it."

Sir Frederick Pollock has said: "The greater have been a lawyer's opportunities of knowledge, and the more time he has given to the study of legal principles, the greater will be his hesitation in face of the apparently simple question, what is law?"

Nor is it merely a question of inadequate definition. It is also a matter of impossibility of close description. There has been no agreement among the writers as to what this thing is. Reading leads us irresistibly to the feeling that many of our masters, who have paid the debt to the profession by writing a book, have been sadly inaccurate in their historical knowledge and in their philosophical deductions.

We should not too readily hold the thought that we are passing through new phases in the development of law. England's history shows, a hundred years ago, legislation much like that which is presented to us now. Yet seriously there never was a time when it was more important that we should know what law is and what its purpose; never a time when there was such futile belief that statutory law can remedy all our ills; never such attempts as now to make changes in existing political, commercial and social conditions by legislation. The happiness and prosperity of a people largely depend upon the capacity of its laws to meet its needs, and it must be understood that the importance of the growth of law is supreme. There is but one thing worse than a restriction of law, which prevents community development, and that is an expansion, which attempts to control all the phases of life and man's activity, destroying the freedom of contract and the independence of the individual. Maine says, in his "Ancient Law," speaking of progressive societies: "With respect to them it may be laid down that social necessities and social opinion are always

more or less in advance of law. We may come indefinitely near to the closing of this gap between them, but it has a perpetual tendency to re-open. Law is stable; the societies we are speaking of are progressive. The greater or less happiness of a people depends on the degree of promptitude with which the gulf is narrowed."

We cannot understand what statutes can do for us, and what they cannot, unless we know what it is that has breathed vitality into law, and what kind it is which has lived.

It seems that there are three well-recognized sources of our law: briefly, natural law—command or prohibition—customs of the people. Most writers have acknowledged these sources as existing in the formation of every system, yet have differed radically as to their relative importance. There are those who insist that there is a natural law, independent of and before human relations, to which every man-made law must conform or be abhorrent; those who insist that every proper law is a command or prohibition of king, legislature, or other sovereign; those who say that all law has, or should have, for its origin the customs of the people, and that all our ideas of right and wrong, justice and morality, are but conventional.

Not all those who have discussed the origin of law have expressed themselves consistently and logically in support of any theory as to any one source. All, to a greater or less degree, concede that historically the origin of law is confusing; all who are not mere theorists admit that, as it exists, it is complex and cannot be adjusted to a scientific scheme. Those, indeed, who have endeavored to explain it by any simple single hypothesis have been forced, sooner or later, into some absurdity.

You will recall Blackstone's sonorous passage: "This will of his Maker is called the law of nature. For as God, when He created matter, and endued it with a principle of mobility, established certain rules for the perpetual direction

of that motion, so, when He created man, and endued him with free-will to conduct himself in all parts of life, He laid down certain immutable laws of human nature, whereby that free will is in some degree regulated and restrained, and gave him also the faculty of reason to discover the purport of those laws. . . . These are the eternal, immutable, laws of good and evil, to which the Creator Himself, in all His dispensations, conforms; and which He has enabled human reason to discover, so far as they are necessary for the conduct of human actions."

Pollock says: "The term, 'law of nature,' has a long history, beginning with the distinction made by the Greek ethical philosophy from Aristotle downwards, between natural and conventional justice. It came to mean so much of the rules of justice as can be discovered by man's reason, apart from either specific revelation or local or temporary ordinances. It was identified with the law of God, and it followed, in the mediæval view, that the law of nature, once being ascertained, was of universal and paramount obligation."

Montesquieu says: "Particular intelligent beings may have laws of their own making, but they have some likewise which they never made. Before there were intelligent beings, they were possible; they had therefore possible relations, and consequently, possible laws. Before laws were made, there were relations of possible justice. To say that there is nothing just or unjust but what is commanded or forbidden by positive laws, is the same as saying that before the describing of a circle, all the radii were not equal. We must therefore acknowledge relations of justice antecedent to the positive law by which they are established."

It was to this fundamental law that Blackstone referred, saying: "Hence it is that our lawyers are with justice so copious in their encomiums on the reason of the common law, that they tell us that the law is the perfection of reason, that it always intended to conform thereto, and

that what is not reason is not law." He knew that the law, as it had been declared, was not the perfection of anything, but he believed that there was an ideal law which the perfect human reason might discover.

That law was a command or prohibition, was the Roman idea. Bentham was the great apostle of this doctrine in modern times. He knew that there was much in the common law which was precious; that this was based upon custom, and should be retained in any system of jurisprudence for England, but he had no patience with the evolution of law; no hope in what he thought was its unscientific development by fragmentary legislation and by the decisions of the courts. I have thought that he knew quite well that it would not do to explain all law as a command or prohibition, but he wished to take the law as it stood, and reduce it to a law of command or prohibition. He believed "in the force of the *esto* of the Roman law-giver." He was sure that if good laws were made, commanding and prohibiting, that the people would conform to them. Although he quoted them with apparent approval, he did not believe in the words of Montesquieu: "The law ought to be so closely adapted to the people for which it is made that it is very improbable that the laws of one nation can ever be suited to the wants of another nation." His work has been recognized as the most beneficent influence upon English law in modern times.

John Austin was Bentham's disciple, and of him Carter says: "The theory of Austin has received, both in England and America, a wider acceptance and adoption among juridical writers than any other." In his "Province of Jurisprudence Determined," he wrote: "Every positive law, or every law simply and strictly so-called, is set by a sovereign person, or a sovereign body of persons, to a member or members of the independent political society, wherein that person or body is sovereign and supreme." He denied that any other so-called laws fall within the scope of jurispru-

dence. He brought the decisions of the Courts within his definition as a command or prohibition, by assuming that the sovereign adopted the unwritten law as it was declared by the Judges.

Stimson says, in his "Popular Law Making," this idea of law as a command, "is rather a modern notion of law, quite modern in England; it is really Roman, and wasn't law as it was understood by our Anglo-Saxon ancestors." Blackstone said: "This, then, is the general significance of law: a rule of action dictated by some superior being." No one can believe that he had in mind any such limitation of law. His apostrophe of Natural Law, which I have read to you, his reverence for the common law, cannot be strictly reconciled with this quotation. Lord Chief Justice Wilmut asserted: "The statutory law is the law of the legislature in writing. The common law is nothing else but statutes worn out by time. All our laws began by consent of the legislature, and whether it is now law by usage or by writing is the same thing. Statutory law and common law originally flowed from the same fountain." Lord Hale declared that "many of these things which we now take for common law were undoubtedly acts of Parliament, though now not to be found of record."

There is no nation in any land of whose laws the element of custom is not a part. The most persuasive supporter in our country of the theory that substantive law is based solely on custom is James C. Carter. His opinion, at least as expressed, is that all law, right, wrong, conscience, justice and morality, are results of evolution—that they are purely conventional. His definition of law is somewhat to this effect: "Law is the rule of conduct which society has determined must be enforced."

It is a mistake to attempt to confine this source of law to ancient custom. I quote from Carter: "It has often been said by the most approved writers that custom is one of the sources of law, and indeed Blackstone views the body

of our unwritten law as being custom, or founded on custom, but the sort of custom thus intended is *ancient* custom, reaching so far back that its beginning is not known. Such a limitation of custom in the making of law seems to be without foundation, and the object in giving the last illustration is to show that *present* custom, provided it is established, is as efficient as if it were centuries old." I think that Carter's limitation is too narrow. Law is modified in this way by the thought of the people—the common view—in many cases where there is no custom. Custom, as we understand it, is a mode of conduct, yet common thought—public opinion—before it has become custom may modify law.

It is somewhat perplexing to notice how the profound generalizations as to the sources of law are criticised. For instance, Carter says: "In viewing the law as a body of rules proceeding from a supposed law of nature,—an invisible foundation of right,—we are simply indulging in hypothesis. No such thing is open to our observation, and consequently, not to our knowledge. So too, when we ascribe all law to the command of the supreme power in a State, we are simply contenting ourselves with an assumption."

The modern writers have repudiated the old idea of the law of nature. Garies, Professor of Law at Munich, writes: "The doctrine of the Seventeenth Century annexed to her ancient notions a law of nature, based on religious ideas, which was to be a system of universally valid and unchangeable legal principles. This view reached its climax and greatest influence in the Eighteenth Century, although it still found adherents in the Nineteenth Century. It was overthrown, or at least was pushed into the background by the historical conception of the nature and genesis of law."

It is clear, I think, that the old idea of a natural law was a misapprehension. It was based on the recognition

of a universality of principles, common to the customs of different peoples and localities, and failure to understand that these principles were evolved in the same way, were widespread customs. There was never, I believe, any thought that there was a formulated system of natural law, existing from the beginning, and applicable to all times and all conditions of all races, unwritten, yet supreme in authority. But whatever it was, the conception of natural law is even now of great influence, unrecognized and denied perhaps; it is an inherent belief in the ideal system, in the fundamental right in every case, freed from the incidental conditions and rigid conventions which may yet control.

To the suggestions of Wilmot and Hale, that the common law is but "worn out statutes," may be opposed the authority of Stimson, who shows, it seems to me quite clearly, that the early Councils or Parliaments were judicial, not legislative; they declared, not made, the law. He says: "I doubt if there was any giving of new law, anything that we should call legislation, made by the English Parliament, then called the Witenagemote, before the Norman Conquest. I have never been able to find any." And of Austin's theory, he says: "Austin, for instance, was so much impressed with the notion of law as an order from a sovereign to an inferior, that he practically, even when considering the English Constitution, adopts that notion of law, and, therefore, arrives at some conclusions, as it seems to me unwarranted, and certainly omits to note a great many things that would be noted had he kept clearly the Anglo-Saxon theory of law in mind."

But even the origin of common law from custom does not pass unchallenged. Maine, quoting from Grote, says: "'Zeus, or the human king on earth, is not a law-maker but a judge,'" and continues: "'In the succession of similiar cases, awards are likely to follow and resemble each other. Here we have the germ or rudiment of a custom, a conception posterior to that of *Themistes*, or judgments. How-

ever strongly we, with our modern associations, may be inclined to lay down *a priori* that the notion of a custom must precede that of a judicial sentence, and that a judgment must affirm a custom or punish its breach, it seems quite certain that the historical order of the ideas is that in which I have placed them.' " That is, first, the judgment, and then, the custom based on the judgment.

I have read to you these quotations, well knowing that to you they are all more or less familiar. Practically, what difference does it make what is the source of our law? This—law is of little use unless it is arranged in a system more or less logical and more or less scientific. It is readily seen that the law made by sovereign or Legislature becomes a part of an existing system as soon as the command or prohibition is declared. But neither natural law nor customs are, as such, part of any system of law; they must be recognized and declared to be law. It is not agreed how custom becomes law. It is urged that it must first have been found by a jury as valid and controlling, and then adopted by the Judges. Even to this day the jury must find a particular custom. It is also insisted that Judges, out of their own knowledge, have declared custom to be law—at least have extended the application of it to analogous cases to the widest limits. There is no way that has been suggested by which law can act of itself, nor do I think that any way can be imagined. Laws, as rules of conduct, are known and obeyed by most people, but when a law is brought into action, this action is not automatic. Whether it be command of sovereign, act of Legislature, natural law or custom, human agency, Judges must apply it to existing facts and conditions. Bentham hoped that he might be permitted to prepare a system of laws, so simple that all people might know their meaning, and thus he expected that much litigation might be avoided. There is a vast difference between the avoidance of litigation and the automatic application of law to the settlement of disputes. In

progressive communities law must necessarily be subject to change, whatever its source, however arranged in a scientific system, and however applied to practical affairs. To deny this is to insist that the system is perfect, or that conditions are unchanging, both of which are absurd. In our days there are but two ways of changing law—by legislation, and by the decision of Judges—both human agencies. Though customs change, laws do not change but by an intelligent effort. Men who apply the laws and men who make them cannot act wisely unless they know the source of law, the reason of it, and why it is subject to change, and why they have authority to change it.

Since the beginning of time it has been given to some men to be Judges. They have stood in market places and listened to the dusty litigant—they have been enthroned with all the awful insignia of authority—and have rendered their decisions. Always, the unjust and corrupt Judge has been the most loathsome and abhorred of men. The wager of battle and the superstitious modes of deciding cases have been abolished. We are trying to prevent war and bring the great questions of international strife to the arbitrament of Judges. It is not now time to doubt the wisdom of permitting Judges to decide what is the law.

The decision of the Judge can only have vitality, can only live when it has in it the thought of the people. If it has not this, it is useless and destructive. What is the common thought; how do we know it? It will be said that at most it is conventional. Common thought is conventional, customary, the creature of the ages, the result of environment, usage, methods, *mores*. Is it not a marvelous psychological phenomenon that normal minds think alike, come to the same conclusions, given the same knowledge of the same facts, and no preconceived prejudice? The physician interjects: No more marvelous than the process of digestion or the circulation of the blood. We are told that thought is mechanical—that the brain is but the

centre of nerve force. Be it so. They are wonderful mechanisms which can take "what is in the air" and weave it into that strange thing, public opinion. The safeguard of the people is that thought is conventional, that the Judge will think like the common people, unless through perversity.

Carter says: "A judicial precedent is not law, *per se*, but evidence of it only. The real law is custom." Blackstone says: "Judicial decisions are the principal and most authoritative evidence that can be given of the evidence of such a custom as shall form a part of the common law." Here is a distinction. Is custom law, as Carter says, or does it become a part of the law when so declared by the Judges, as Blackstone suggests?

The power and duty of a Judge have been much considered. When some new relations exist and some new principle is involved, ought he to make law? Does he make law? An analysis of what is called "Judge-made Law" is extremely interesting. The books are rich in the discussion of this subject. There are many cases in which we can see that the decision is in accordance with some notorious custom, but there are frequently cases where it is apparent that there can be no custom as a basis of the rule established. Thus, the law of primogeniture was, at some time or other, declared to be the law of England, by some Court, and this was based upon feudal custom. Land was allotted to some one who would go to the wars with a certain retinue and accoutrement. This grant of land was only for life, and upon the death of the grantee it became the ordinary way to pass the land to the eldest son, and thus was established a custom, and it was so declared by a Judge or by a jury to be law.

Take, however, the rule that it is a duty, when approaching a railroad crossing, to stop, look and listen. This is declared to be a rule of law by our Supreme Court in *Railroad vs. Heileman*, 13 Wright, page 62, the Court say-

ing: "Absence of such a precaution was more than evidence of negligence; it was negligence itself." This was reasserted as an unbending rule in *Railroad vs. Beale*, 73 Pa. St., page 504. There never was a custom upon which such a rule could be based, but in determining the cases between railroads and those injured at crossings the Court at one time reached the conclusion that some positive, arbitrary rule must be established as to what was duty and what was negligence. In later years this rule was applied to the driver of a vehicle attempting to cross a street railway. *Ehrisman vs. Passenger Railway Company*, 150 Pa. St., page 180, and again in *Wheelahan vs. Traction Company*, 150 Pa. St., page 187. Yet in *Omslaer vs. Traction Company*, 168 Pa., page 519, the Court said: "A person about to cross the tracks of a street railway, operated by cable or electricity, is bound to look and listen; while there is no settled rule that he should stop before crossing a street railway, and it does not appear desirable that there should be, yet there may be occasions when it will also be his duty to stop." Is it not clear that this is an application of pure reason to existing conditions? Is it not clear that twice have the Courts made new law in respect to this valuable rule?

The Judge deciding a case in which he announces a new rule, does not think, perhaps, that he is doing so according to the natural law or according to custom. He is affected by his knowledge of the change of conditions—by his knowledge of public opinion. He is influenced by the traditions of his office, by the opinions of the men by whom he is surrounded, of the lawyers. This is finely put by Maine in his pages upon the restraints on the Roman Prætors in publishing the edicts.

Judges make law, and so they should. It is a sad time when they are afraid to take this responsibility. Let us not hide behind the theory that decisions are always declarations of custom. So they are sometimes, and in that respect

they are not new laws ; but let us admit that the Judges do declare law also before custom establishes it. Let us admit that Judges must declare new principles sometimes, which are not customs, but only reasoning and common sense. Judge-made law should ever be behind the common thought, but not too far behind. Was not our common law, was not our system of equity made this way? Professor Montague, of Oriel, in his introduction to "Bentham's Fragment on Government," says: "Yet it is certain that judiciary law is only one mode of that development of law by experts which takes place in every progressive community. It is also certain that judiciary law would have been much better than it is had Judges been more ambitious of legislating, and less timidly anxious to cover themselves with the authority of their predecessors."

"Our equity jurisprudence, to use the accustomed phrase, has been formed altogether by the work of learned persons, having a great deal of real power at their disposal, and consciously using that power to produce a systematic doctrine. It therefore answers the description of 'scientific law' more exactly than any other part of our English legal materials and perhaps more exactly than any other modern form of 'unwritten law.' " (Pollock.)

Maine says, in discussing Roman and English equity: "A time always comes at which the moral principles originally adopted have been carried out to all their legitimate consequences, and then the system founded upon them becomes as rigid, as unexpansive, and as liable to fall behind moral progress as the sternest code avowedly legal."

This is true, but it should not be. If Judges have built up the Roman law, our English common law, equity—they should not be unwilling to amplify them to meet the wants of the people to-day. Dicey says: "Even at the present day the greater part and the most important part of the laws by which Englishmen are governed are in reality Judge-made law." The means of modifying law were

formerly fiction, equity and legislation, and Maine's historical discussion of their usefulness is most instructive. But fiction is no longer of use, and equity is as rigid as the common law. The doctrine of *stare decisis* is responsible for this rigidity, in a large measure. With most of those who are called upon to decide cases, this is perhaps the safest doctrine. We do not wish every one who wears the title of Judge to make new law, but the great courts of last resort ought not to hesitate. There never has been any hesitation to apply old principles to new conditions. Why not apply new principles to old or new conditions when the common thought has changed? Why should Courts hesitate to recognize the change of customs? If we believe at all that custom ripens into law, and that the evidence of custom is the decisions of the Courts, Judges fail in their duty if they are unwilling to declare the law. And by custom, in this connection, I do not mean the immemorial mode of action, but the general trend of thought, the ideas of those who have ideas as to what the rule of conduct ought to be.

I know that it is offensive to many men to assert that Judges make law; that much subtle reasoning has been exercised to prove that they do and that they do not. But it seems to me that this is only a matter of words. I have said: "Judges make law, and so they should." I am willing to modify this if it has a sting in it for anybody. I will say this: a Judge can decide a case, but a Judge or a Court of Judges cannot make law. No decisions of the Supreme Court of this State would stand for long against the sentiment of disinterested Judges of the lower Courts and the Bar. If it did, redress would be had by legislation. There are thousands of Judges in our country before whom come the question of our substantive law, who are reading with critical attention the declarations of new principles. There are many more thousands of lawyers advocating the different sides of all possible questions, representing all pos-

sible interests, watching with even more critical interest the determination of cases. No Judge's decision can be law unless it have in it the vital principle of the public purpose. It will be held for naught; it will be referred to with mild contempt as out of line. It is strange that lawyer or layman, knowing this, as they must if they but think, should doubt the wisdom of our system, allowing Judges to declare principles which may become precedents.

I do not think that I would ask any Judges to change the law of real property, of notes and bills, agency or commercial law generally, for the relations governed by these branches of law have not changed. But where the relations between the parties have changed, by force of modern conditions, why should not Judges make the changes a part of the system of law? I do not think that I would be unwilling that there should be Judge-made changes in the law of master and servant, employer and employee. I think that public opinion is demanding this. I do not think that I would hesitate to ask the Judges to make some new rules of evidence. A modern manufacturing corporation cannot prove its accounts for goods sold and delivered if it is held down to the old rules as to the admission of books of original entry. How could a contractor, constructing a vast building, or miles of railroad work, prove his *quantum meruit*, according to the old rules of evidence? It may be that you will say that this is inconsistent. It may be so. I have made no careful analysis of the branches of jurisprudence which I have mentioned, but you have caught my thought, and this is enough.

I would not have you believe that I think that our system of Judge-made law is perfect. To my mind, it is far from it. No lawyer, who has ever had occasion to run back over a line of cases, can understand how it is that learned Judges have differed in their reasoning upon principles so radically as they have. Anyone who reads "Holmes' Common Law" is struck with the evidence which

he produces to show this. The decisions remain, because they are fixed. It would be unfair to expect every Judge, in the decision of a case, to analyze all the cases that happen to come within the line of authorities that he may be investigating, but it is possibly worth suggesting that no Judge should ever give a reason for a decision unless he is sure that it is the right one.

An inherent weakness in Court-made law is that it is necessarily fragmentary; it is the determination of some particular case. The awful ban of *obiter dictum* rests upon anything that is not necessary to decide that case. Another is the wish of Judges to do what they call substantial justice. The establishment of a new principle may do individual hardship in some particular case, but when we see Courts ignoring the facts, or wresting them from their proper relation, would we not rather ask them to make new law?

I heard an able Judge in a public talk say recently that when in the trial of negligence cases he was compelled to apply some of the principles of the law of fellow-servants, or of the assumption of risk, his conscience revolted, and he felt that he was declaring rules which were barbarous. If a rule is barbarous, it is no longer the law.

If there be rules which are matters of fundamental right, it may be necessary to retain them, even if illogical and not convenient. But in matters of daily affairs, of the common commercial relations, duties, rights, and liabilities of employers and employees, barbarous rules, if such there be, ought to be changed to meet the serious fixed opinions of the people. Let our Judges remember the warning of Blackstone when they go to change the law. Let them remember that it is good to know the reasons of things, and not out of pure sympathy of heart declare that to be barbarous which is only logical. There is a wide difference between making a rule of law which holds an employer

liable for every injury to his employee, and some humanitarian system of taking care of the injured employee, or his widowed family.

The rule that an employee may not recover against his master for the negligence of a fellow-servant has been the subject recently of much criticism. It is a Judge-made rule. What is the reason of it? In a recent article in the *Outlook* it was stated somewhat as follows: It was wisely thought that when two or three men were working together, they know better than the master the competency and the habits of carefulness of each other. They each stand in the same relation to the master, and the same distance from him. They take the risk. Self-protection and regard for each other are supposed to be greater safeguards than the pecuniary liability of the master. But if a thousand men are employed together they do not know each other, the gangs are constantly changing. They have no opportunity to judge of the competency or the habits of carefulness of each other.

Admit that the opinion of fair-minded men—Judges who hear and lawyers who try cases, employers and philanthropists, all who give the question serious consideration—is that the rule is wrong under the latter conditions. The Judge should not hesitate to declare that the rule is wrong. He could not decide according to custom, as custom has for years been the other way. He might decide according to natural law, if we are willing to admit that natural law is progressing. He might seek, and perhaps find, the perfection of human reason.

Yet it is very doubtful that the knowledge of the skill, competency and character of each other was the reason of the adoption of the fellow-servant rule. If we take the opinion of Chief Justice Shaw in *Farwell vs. Railroad Company*, 4 Metcalf 49, the leading case on the subject, it is evident that this is not the reason. That was the case of an attempt to recover for the injury of an engineman for the negligence of a switchman. It was held that when the

master furnishes suitable and proper appliances, and the injury results from the individual negligence of a co-employee, that this negligence should not be attributed to the master. It was a protest against the principle that the master should always answer for the negligence of an employee in the course of his work, without negligence on the master's part. This has been and still is the law as to third persons. Yet it is not logical or fair that a master should respond in damages, having furnished safe appliances, which do not produce the injury, except as they are the means of injury by negligent use of another of full age and intelligence. The doctrine of *respondeat superior* never was logical, except, perhaps, as applied to slaves, but is a kind and benevolent doctrine, and as such we should not regret that it is and has been a part of our law.

It does not seem to me that there is any more reason now than there ever was that the employer should be liable for contributory negligence, or for the negligence of a fellow-servant when there are two or three employed together. I would make the master liable only for his own negligence, but I would broaden the rule of negligence and narrow the rule of assumption of risk, making the employer liable in many cases now covered by the fellow-servant rule, and making him liable for negligence in more cases, where the furnishing of better appliances would have prevented the accident.

This, I think, would be in accordance with public opinion. "Common thought" or "public opinion" do not mean the thought or opinion of all the people. There are many who have no thoughts or opinions upon many subjects. They do not need to have. The public opinion upon a subject is the best general opinion on that subject of the many who are acquainted with it. We have seen well discussed by laymen these questions of law bearing upon the relations of employers and employees, and the general trend of the discussion seems to be in favor of wide modifi-

cation. Why should the Judges hesitate then to pronounce as law this recognized public opinion? Judges did this in times past, and they should not fear to do it now.

I quote here two eminent authorities for your benefit, which would seem to indicate that my suggestions are not based on sound reasoning:

Maine says: "Amid the many inconsistent theories which prevail concerning the character of English jurisprudence, the most popular, or at all events, the one which most affects practice, is certainly a theory which assumes that adjudged cases and precedents exist antecedently to rules, principles and distinctions." His theory, which I have quoted, of the order of the development of law was, first, the judgment of king or ruler, and, then, customary law, preserved in tradition, and, finally, a Code.

Stimson says: "The writer is not of the school that admits there is such a thing as Judge-made law, but believes the phrase to be a misnomer, at least in ninety-nine cases out of a hundred. The whole theory of the English law is that it exists in and by the people and is known of them before it is announced by a Judge, and although the extremes of this theory be somewhat metaphysical, it is certainly true that a Judge is a very bad Judge who does not decide a point of law, apparently new or doubtful, according to the entire body of English-American precedent, experience, rather than by his own way of looking at things. If Judges really made new law, particularly if they made it consciously, it would be more than 'aristocratic,' it would be simply tyrannical, and, of course, unconstitutional, as well as being an interference with the legislative branch of government."

If you think, even after but a hasty consideration, that these two passages are consistent statements of the same thing, then must I accept cheerfully your decision.

The simple way to modify the law or make new law is by legislation. When custom, or the common thought,

has changed, and the decisions of the Courts or statutes are no longer in accord with them, the power of the people should be exercised by their law-making representatives to bring about harmony. Originally, however, legislation was not new law—it was the declaration of the old, and this is true of the earliest Codes. They did not pretend to be new law, and, in so far as they were new they were not generally effective. Legislation, as we understand it to-day—the deliberate making of new law—is of very recent date. Stimson says: “Parliaments existed centuries before they made statutes as we now use this word. There were no statutes within the present meaning of the word more than a few centuries ago . . . statutes with us are recent; legislatures making statutes are recent everywhere; legislatures themselves are fairly recent.”

If we can rely upon Stimson's authority that the earliest Legislatures and their acts were judicial; and if we can rely on Maine, that the judgment or decree of some person, having authority to decide, preceded custom, and that custom was founded on such decree, it would seem that the functions of the Judges and of the legislators have exactly changed in the view of the people, for now the right is denied to the Judge to make law, and the right is denied to the legislator to decide cases; now the Judge is supposed to do nothing but decide the particular case, and the province of the legislator is to make new law.

I quote from Carter: “Niebuhr informs us, ‘that no one in the ancient world took it into his head to make a new system of laws. In the Middle Ages, also, a legislation merely springing from the will of a law-giver is scarcely to be traced anywhere’; and the same view is well expressed by Coulanges, who says, that ‘legislators did not exist among the ancients, nor did ancient laws originate with the votes of the people. In early days the laws present themselves as something even then venerable and unchangeable.’”

"Legislation is the most important of earthly pursuits," said Bentham. The truth of this cannot be doubted, when it is realized what might be the force for good of wise laws against the pernicious power of corrupt politics, the exactions of amassed wealth, and the demands of tyrannical organizations of men. Yet with what little hope and with how much dread is awaited an approaching meeting of the Legislature, or an extra session of Congress!

Though we may admit that legislation is the most important of earthly pursuits, we fail to act upon such assumption. Our legislators are not trained for their work, and the importance of such training was spoken of at least as long ago as the introduction of Blackstone to the study of law.

Stimson says: "The subject of statute-making is not thought difficult. It is supposed to be perfectly capable of discussion by any one of our state legislators, with or without legal training; and sometimes with lamentable consequences, for the subject is of the most immense importance, now that the mass or bulk of our law is, or is supposed to be, statutes."

There are evident advantages of legislation as a way of modifying law. Statutes may go into effect at once. They may be State or Nation-wide in their enforcement. They may be drawn to cover a subject completely and logically. They have behind them the authority of the people.

But there are objections to legislation as a method of reaching scientific law, which are inherent in the system of popular lawmaking, and the objections which are the most obvious are common to all legislation in all governments, and are not necessarily a criticism of our form of government. The history of law shows that all important legislation is a compromise; it never expresses exactly what anybody wants. Friends and opponents finally meet on some neutral ground, not quite satisfactory to either. There may

be, and usually is, an honest difference of opinion as to the advisability of serious legislation. Dicey, in his "Law and Public Opinion," asserts that the "sinister interest" affecting lawmaking, of which Bentham complains, is not necessarily selfish or dishonest—that it is much more likely to be stupid.

Local representation, carrying with it the necessity of getting something for constituents, is a vice of our system. Another is the passage of special laws under the guise of general statutes—out of line—abnormal.

The "sinister influence" may be stupid, but it is also sometimes vicious, inducing legislators to represent interests, classes, or anything, other than all the people. Statutes which appear upon the books, and drafts of statutes which do not appear upon the books, indicate that some influence had debauched the intellects, if it had not corrupted the consciences, of the legislators.

I am not willing to admit that politics is responsible for all the evils of our system of legislation. We find the same defects in countries where politics are comparatively pure. So long as we submit to untrained men this important function of making law, we must expect disappointment. I do not know what the remedy is, but it seems to me that the suggestion is worthy of some consideration, that all the administrative functions of the State should be performed, as now, by a Legislature elected by the people, but that substantive law should be made only by a board of trained experts also chosen by the people. Judge-made law is at least made by experts; legislation is not.

As to the form of our laws, I think it is the experience of all lawyers that statutes are generally poorly drawn. It is much more difficult to express a thought in concise language than in voluminous words. The drafting of a statute is no more "the pastime of a summer afternoon" than

is "the framing of a deathless lay." Legislation, in matters of substantive law, should declare principles; not details of form or methods of procedure.

Legislation is necessarily fragmentary, unless it is prepared by skilful lawyers, familiar with the subject, who are ready to devote much time and thought to its preparation. But it is foolish to assume that all lawyers can draft statutes. Such work requires a concentration of mind and of expression that few men have.

I would not have repeated the thoughts that were so well expressed by Mr. Snodgrass, in his address three years ago, if I did not feel that there is a duty to say some things over and over again.

But what, then, is the function of legislation? It is, of course, to express the common purpose of the people. It is to bridge the gulf between law and custom. It is just as essential that legislation should be quickened by the common thought as it is that the decisions of the Court should be. Neither can have vitality without it.

As to the necessity of judicial interpretation of statutes—we have had decided recently a most important case in the Supreme Court of the United States. Whether or not this particular controversy has been rightfully decided is of comparatively little importance. No lawyer can doubt the courage and wisdom of the Court in announcing the general proposition that the Sherman Act must be interpreted in harmony with the principles of the common law—in consonance with the best public opinion.

The great Judge who wrote the opinion in this case, in five pages, uses the expressions, "reason," "light of reason," "the rule of reason," "reason the guide," "the resort to reason," sixteen times. What do these expressions mean? What did these Judges do when they followed reason—the light, the guide? Did they seek the natural law—did they apply Bentham's test of utility—the greatest good to

the greatest number? Perhaps so, but at any rate they reached the underlying purpose—they found the test of public opinion.

I appreciate that it is easy to talk about custom, the common thought, public opinion, but it is not always easy to know what they are. How does Judge or legislator know? If a legislator does not know, his duty is clear—he need make no law. The doctrine of *laissez faire* is a good one yet. There are, however, questions which Judges have to decide, upon which there is no public opinion. If so, Judges must rely upon arguments of counsel, precedents, their own knowledge of current thought. They may rest secure if the decision excites no serious adverse criticism from lawyer or layman. We must remember that newspaper comment and the talk of the man on the street are not public opinion. Both may be, and usually are, exaggerated. Much of the enjoyment of life would be gone if we all talked seriously all the time, and public opinion would be of little value if nobody said anything till he had a definite opinion. But there is danger in the cant phrases which catch the ears of the ignorant, and there is danger in the insincere and untrue comment and talk which is intended to mislead. I am strongly in favor of the right to discuss intelligently the decisions of the Courts. I wish that laymen would do so more frequently. This is the way law is made.

It is not necessary to make any argument upon the proposition that law which does not hold the people's purpose cannot be enforced. A reference to the Fugitive Slave Law—prohibition legislation—is enough. The Fifteenth Amendment is observed in the North, just as the Fugitive Slave Law was repudiated. It is ignored in the South, and it is not fair to say that this is because of any animosity towards the negro; it is because the people of the South sincerely believe that it is not a wise policy which gives the negro the vote.

Legislation alone can care for conditions when changes are sudden. We have had the wonderful application of electricity, petroleum and natural gas to domestic and commercial purposes. Legislation only could adjust some phases of the resulting conditions, Courts only could adjust others; yet Legislature and Courts together readily met the necessities. Statutes were passed providing for the mere administrative business of production and use, and Courts responded by the application of old principles to new questions.

Is there a guide to legislation? The Judge is held within the limits of some particular litigation. His guide is precedent, custom, public opinion, his moral sense. Legislation has no limit but the boundless imagination of the theorists. But what as to Bentham's test—utility—the greatest happiness of the greatest number? Does that not help? Professor Montague's answer is: "There is no calculus of pleasures and pains." Only a prophet could safely assert what are to be the ultimate effects of legislation. Establish the package post and you destroy the trade of the small town, so it is said by the opponents of this legislation. Experience is too often like the signboard on a country road, pointing only the way of return. There should be no index, no guide, to legislation. It should come naturally. It should be but the evolution of the public purpose. As well try to find the signboard of public opinion as of legislation.

There are many important functions of legislation which have no relation whatever to substantive law. It must provide for the due administration of the business of the State—for a system of just and uniform taxation—the appropriation of public funds for the public purposes of the Government—for the safety and protection of the health of the citizens—for the education of children—for the welfare of the poor and the insane; it must define crimes, misdemeanors and offences, and fix penalties; it should include in the category of crimes and misdemeanors

the fraudulent purposes of modern methods; it should devise ways for the control or regulation of public service corporations; it should create major and minor Courts for the proper administration of justice; it should provide for the modification of substantive law.

Under the By-Laws of this Association, the President "shall deliver at the Annual Meeting an appropriate address, with particular reference to any statutory changes in the State, of public interest, and any needed changes suggested by judicial decisions during the year." The purpose of this By-Law is apparent. At least one lawyer in the State is bound to read the enactments of the current year. It would be extremely ungracious for me to refuse to you, who are under no such duty, the information which I have obtained. All that I can do, however, is to call to your attention certain changes in the substantive law, and some of the Acts which happen to be interesting to me.

There are the Acts making appropriations for the expenses of the State; the grants to charitable institutions; the Acts authorizing certain officials to build roads and bridges, to make dykes; the Acts refunding the amounts paid for all sorts of reason; the Act defining the word "sausage"; the Act increasing the salary of Judges. Everybody's salary was increased, I believe, in so far as this lay within the power of the Legislature.

It would be particularly interesting, if it could be done intelligently, to take the appropriation bills, the grants to charitable institutions and the increase of salaries, and compare them with the expenditures of two years ago. One of the duties of the Legislature is to see to it that the administration of State affairs is wise and economical. But not even under the stress of a By-Law would I attempt to make such a comparison.

It is particularly gratifying, however, to note that in all of the many Acts passed during the session, there have

been few important changes in positive law. Some useful legislation has been enacted and some doubtful legislation has been avoided.

I take up some of the Acts which were passed, in the order, not of their relative importance, but of date:

An Act (No. 35) relating to streets, lanes and alleys, originally laid out on plans of lots, which have been vacated as public ways, limiting the time within which actions may be brought to enforce private rights therein, provides that the owner of a lot in a plan must, within five years after the vacation of the street, lane or alley, and its closing, bring his action to enforce any right in the street, or easement in the ground.

This Act was passed in consequence of the line of recent decisions in our Courts which have attracted State-wide attention and strong criticism in the profession. It has been held that by virtue of the grant of a lot in a plan the grantee had an easement in all the highways of the plan; that when the plan lay within the limits of a municipality it could not, by vacation proceedings, destroy this easement. The practical effect of these decisions is that all the highways in every plan in every municipality in this State must forever remain open, unless there is a consent of all of the lot-owners to the vacation. No public convenience or necessity can prevail against this private easement, based upon the implied covenant. Logically, there can be no change in the location of a highway in a plan under these cases, for the lot-owner has a right to the easement over the highway where it is shown on the plan. There seems to be some serious doubt as to any constitutional relief by legislation. The sovereign or the municipality has authority to take private property for public uses, but what authority is there to deprive the owner of a lot of a right, with or without compensation, by restoring public property to private uses? The decisions are purely matters of *stare decisis*—strict adherence to logic. It is Judge-made law, this doctrine

of implied covenant in the grant, arising out of the doctrine of way of necessity, carried now to impossible limits. This Act, perhaps, is as far as the Legislature can go, but its usefulness is doubtful. Until the end of five years after the street has been actually closed any lot-owner may enforce the implied covenant of his deed. The only remedy that I can see is for Judges to modify their decisions.

An Act (No. 39) includes directors or other officers of corporations or joint stock or other associations among those who may be compelled to testify, as under cross-examination, by the adverse party in any civil proceeding, as provided by the seventh section of the Act approved May 23, 1887. Having thus enabled the calling of a director or officer of a corporation, it provides that the fellow-directors or officers shall thereby become fully competent witnesses on their own behalf, or on behalf of the corporation or association of which they shall be directors or officers, as to all relevant matters, whether or not these matters were touched upon in such cross-examination.

It is the present policy to extend the rules as to the competency of parties and witnesses, and any legislation that does this, with proper restrictions, should be welcome.

A useful Act (No. 66) authorizes the Courts of the Commonwealth, in cases where the jury have disagreed, to certify the evidence so as to become part of the record, and to enter judgment upon the whole record, if either party was entitled thereto, whenever a request for binding instructions has been reserved or declined by the trial Judge.

There is an Act (No. 68) supplementing and amending Section 2 of an Act, entitled "An Act concerning divorce," regulating the submission of issues of fact to the jury, the appointment of a master in proceeding for divorce, defining the powers of the Court in the practice and relation thereto.

This Act gives to the Court the right upon the hearing upon a rule to show cause why the issue of fact should not

be tried by the jury in a divorce case, to discharge it, make it absolute, to frame issues itself; to discharge the rule, when, in the opinion of the Court, a trial by jury cannot be had without prejudice to the public morals.

This Act has excited some adverse criticism. It has been urged that the Act is unconstitutional; that it is depriving parties of their constitutional right to trial by jury. It has been suggested on the other hand that there never was a constitutional right to trial by jury in divorce cases. They were tried by ecclesiastical courts, without a jury. What is also in point as a practical argument is this: it is depriving nobody of any right which seems to be exercised frequently in practice. A compilation shows that in divorce cases in the four Courts of Allegheny County, taking the year from May 1, 1910, to May 1, 1911, in the Court of Common Pleas, No. 1, four divorce cases were tried by jury and three hundred and sixty-one by the Court; in No. 2, three were tried by jury and one-hundred and twenty-one by the Court; in No. 3, two were tried by jury, and seventy-three by the Court, and in No. 4, one was tried by jury, and fifty-eight by the Court. There were ten cases tried by jury and five hundred and ninety-three tried by the Court during this time.

An Act (No. 75) relates to election by surviving husbands or wives to take under or against the wills of decedents, and requires that an election in writing, duly acknowledged, shall be delivered to the executor or administrator of the estate of the deceased.

An Act (No. 93) for the assignment of Judges to districts other than their own, for the purpose of expediting business, requires any law Judge, who can spare the time to sit in the Courts of any other judicial district for the disposal of business, and who is willing to do so, to file with the prothonotary of the Supreme Court a statement of the ensuing weeks and months during which he is willing to be assigned to work in other judicial districts. Upon

the request to the prothonotary of the Supreme Court by the Judge or Judges of another district assignments are to be made. This is an extremely useful Act.

The Act (No. 112) to make uniform the law of transfer of shares of stock in corporations is the bill of this Association.

An Act (No. 149) establishes a County Court for the County of Allegheny, prescribes its powers and duties, regulates its procedure, and provides for its expenses. It creates a Court of Record, to be known as a County Court, composed of one Judge, learned in the law, for each two hundred thousand of population, or a fractional part thereof more than half. Its jurisdiction is: (a) All civil actions wherein only a money judgment is sought to be recovered, and all cases of replevin in which the sum demanded or the value of the property replevined does not exceed six hundred dollars. (b) Cases of desertion and non-support. (c) Appeals from summary convictions and judgments in suits for penalty. It provides for the pleadings, summons and hearing. Upon the request in writing by either plaintiff or defendant, and the payment of a jury fee of four dollars, the Court may direct trial by jury. An appeal to the Common Pleas Court is provided for under certain terms as to bonds; if by plaintiff, for costs; if by defendant, bail absolute for debt, interest and costs. The judgment may be filed in the office of the prothonotary of the county and entered as a lien upon real estate.

The result of this Act will be watched with a great deal of interest. The establishment of such a minor Court has been the subject of discussion in this Association for many years. The Constitution provides that "the judicial power of this commonwealth shall be vested in the supreme courts and common pleas courts . . . and in such other courts as the General Assembly may from time to time establish." The statute creating this Court would seem to be constitutional, unless it interferes with some

other provision of our Constitution. A bill in equity has already been filed to test its validity. The grounds of attack are that it violates Article III, Section 7, of the Constitution of Pennsylvania, providing that "the General Assembly shall not pass any local or special law authorizing the creation, extension or impairing of liens, regulating the affairs of counties . . . prescribing the powers and duties of officers in counties, . . . regulating the practice or jurisdiction or changing the rules of evidence in any judicial proceeding or inquiry before courts, . . . providing or changing methods for the collection of debts," and that it violates Section 26 of Article V, which provides that "all laws relating to courts shall be general and of uniform operation, and the organization, jurisdiction and powers of all courts of the same class or grade, so far as regulated by law, and the force and effect of the process and judgment of such courts shall be uniform; and the General Assembly is hereby prohibited from creating other courts to exercise the powers vested by this Constitution in the Judges of the Courts of Common Pleas and Orphans' Courts," and further that it is local legislation, and was passed without the notice required by the Constitution and the Act of the 12th day of February, 1874, P. L. 43.

It would not, perhaps, be within the limits of propriety to discuss a question pending in the Courts. I will, therefore, merely indicate the positions taken by the supporters of this Act: that it does not violate either Section 7 of Article III, or Section 26 of Article V; and that the question of local legislation has been passed upon by the Superior Court in the case of *Commonwealth vs. Bell*, 4 Superior Court. Rep. 187, where the question of the constitutionality of the Act of March 24, 1887, P. L. 14, was decided. The Court said: "The claim that the proviso excepting cities of the first class from its application renders the entire act unconstitutional, because it is special legislation, is absolutely without merit. It is unnecessary for us to elaborate our

opinion upon this question when the constitution itself makes a special and distinct class of the courts of cities of the first class."

Section 6 of Article V provides: "In the counties of Philadelphia and Allegheny, all the jurisdiction and powers now vested in the district courts and courts of common pleas, subject to such changes as may be made by this constitution, or by law, shall be, in Philadelphia, vested in four, and in Allegheny, in two distinct and separate courts of equal and co-ordinate jurisdiction, etc." It is suggested that this section contemplates changes of jurisdiction effected by statutes.

Section 14 of Article V provides: "In all cases of summary conviction in this commonwealth, or of judgment in suit for a penalty before a magistrate, or court not of record, either party may appeal to such court of record as may be prescribed by law, upon allowance of the appellate court, or judge thereof, upon cause shown." Under this section it is suggested that the Legislature had the right to vest in this Court appeals from summary conviction, and judgment for a penalty.

The jurisdiction of this Court under paragraph (a) is not exclusive. It is, however, exclusive in cases of desertion and non-support.

It is earnestly to be wished that the Act will be held to be constitutional and that the hope of relief to the Courts of Common Pleas will be realized.

An Act (No. 179) relates to the time and manner of taking exceptions in any case, civil or criminal, in any Court of record in this Commonwealth; to the effect thereof: to transcribing the evidence taken upon the trial of any case; to the correction and perfection of such transcript for the purposes of review, and providing that exceptions need not be taken where the decision of the Court appears in the proceedings of a case.

This Act makes very little change in the existing practice—at least in Allegheny County.

An Act (No. 191) is the School Code. Whether or not it is a Code, it is a voluminous act. It covers one hundred and fifty-three pages of the pamphlet law size. It seems to repeal all the laws relating to the public schools of Pennsylvania. It would be an impossibility to discuss this Act within the limits of this address. It has been suggested, I think with a great deal of force, that it is unfortunate that it was thought necessary that in school districts of the first class, those having a population of five hundred thousand, the appointment of school directors should be imposed upon the Judges of the Courts of Common Pleas of the county in which such school district is situated. The school system of Pennsylvania is very near to the heart of the people. Even at the cost of some little efficiency it would seem to me to be better that the school directors should be elected. There seems to be an inclination to centralize power, to limit responsibility of the administration of government to few persons. Is this not a mistake? Does not the administration of local affairs by local directors, local councilmen, have an educational value in training citizens for the performance of public duties, which we are losing when we make our local offices the subject of appointment? It is unfortunate, also, I think, in imposing upon the Judges these non-judicial duties of appointing to local offices.

An Act (No. 192) supplementary to an Act for the government of cities of the second class, approved in 1901, provides that in all cities of the second class the Council shall consist of one body, composed of not less than five members, and an additional member for each seventy-five thousand inhabitants over two hundred thousand, who shall be elected at large. The office carries with it a salary ranging from \$2000 to \$6500 a year. In Pittsburgh, this Act reduces the number of Councilmen from sixty-seven to

nine. This is another case of the centralization of power and responsibility, and yet unavoidable. The affairs of a large city should be in the hands of a comparatively small body of capable men, who would devote all their attention to their office. The municipal governments of our cities are a menace to our republican institutions. Some remedy must be found. The Governor has made his appointments of the members of the Council to serve until the end of this year. He is to be congratulated upon his selection of the men whom he appointed, and upon their willingness to serve.

As the bill was originally presented, it contained provisions for the initiative, referendum and recall. These provisions were found to be contrary to the legislative intent. This is true also of the non-partisan ballot.

An Act (No. 193) provides for the establishment of a State Highway Department.

It can safely be said that this is one of the best acts passed at this session. The necessity of good highways throughout the State is so apparent that this act was received with the greatest popular favor.

The Acts Nos. 224 to 231, inclusive, provide for the incorporation of insurance companies, and reorganize the Insurance Department of the State.

An Act (No. 269) is an amendment to the Act relating to damages for injuries producing death, approved April 26, 1855, and provides that recovery may be had by husband, widow, children or parents of the deceased, even if a subject of a foreign potentate, and that the sum recovered shall go to them in the proportion they would take his or her estate in case of intestacy, under the laws of this Commonwealth.

This Act was passed to meet the decisions of the Courts that the Act of 1855 did not entitle an alien to recover.

An Act (No. 282) was passed, providing for the taking of testimony to be used in any civil Courts of record in this Commonwealth, of witnesses residing in any other State or in any foreign country.

An Act (No. 295) dispenses in judicial proceedings to which a corporation is a party, with proof of the incorporation of either plaintiff or defendant, when not put in issue.

An Act (No. 311) makes it a misdemeanor for an officer or employee of any employer of labor to demand or receive from any person any money or other valuable thing, for the purpose of obtaining or continuing employment in the service of said employer.

An Act (No. 321) makes it a misdemeanor to levy blackmail or attempt so to do. There was an act of this sort passed a few years ago, which was held to be unconstitutional.

This is a good act.

An Act (No. 326) to make uniform the laws of bills of lading, and providing penalties for the violation thereof, is the bill of this Association.

A resolution was passed, submitting to the vote of the people an amendment of the Constitution allowing the consolidation of the Common Pleas Courts of Allegheny County. This was favored by a majority of the Judges and nearly all the lawyers of this county. Such a consolidation ought to make for efficiency. For purely personal reasons the Judges would prefer that the Courts should remain as they are, but those favoring it felt that the public service demanded the change.

Among the drafts of bills presented which were not passed by the Legislature are the following, worthy of mention:

An Act prescribing the liability of an employer to make compensation for injuries received by an employee in the course of employment, establishing an elective schedule of compensation and regulating procedure for the deter-

mination of liability and compensation thereunder, was introduced. It was reported out into the House from Committee on Labor and Industry after several public hearings, and was finally passed by the House by a substantial majority on May 16th. In the Senate it was referred to a committee, and never heard of again.

The bill was favored by the labor interests of the State, and by many of the largest employers. The establishment of a compulsory system of compensation, applicable to all cases, seems to be impossible under our Federal Constitution. Such legislation was declared repugnant to the Fourteenth Amendment by the New York Court of Appeals in the case of *Ives vs. Delaware & Hudson Company*, decided in April, in that to compel the payment of compensation, when the master was without fault, was taking his property without due process of law. The Pennsylvania draft met this difficulty by making this schedule of compensation elective and not compulsory. The defence of fellow-servant and of assumption of risk was abolished, and the defence of contributory negligence narrowed to cases of willful negligence on the part of the employee. The elective schedule of compensation was presumed to be a part of the contract of employment, unless rejected in writing by either party. The rate of compensation was moderate, being the same schedule substantially as is contained in the New Jersey Act, which became a law in April, 1911. The bill applied to all employers, including householders.

The draft of a bill, authorizing the appointment of a Public Utilities Commission, was presented and not passed. It was the part of wisdom probably not to pass this bill in the form in which it was presented, but it seems that, as speedily as possible, an Act should be passed which would put some measure of control of public service corporations into the hands of a properly constituted commission. Such an Act ought to be and would be in many re-

spects a relief to these companies, relieving them largely from the attacks by irresponsible persons, out of spite or with an unhappy idea of the performance of a public duty, and from the attacks by municipalities, forced thereto by popular outcry. It would be equally useful in preventing many impositions upon the public which the service corporations inflict, perhaps as much through indifference, or lack of intelligent management, as through economy. The powers, duties and franchises of public service corporations are too important to permit them to be controlled longer solely by private interests.

Another draft of a bill was that permitting the Courts to appoint the Jury Commissioner for Allegheny County. It was attacked upon the ground that it was unconstitutional as local legislation, as against the spirit of our institutions, aristocratic. It never got very far into the halls of legislation. Something should be done to improve the character of our juries in all populous communities. That this Act would have accomplished it for Allegheny County was reasonably to be expected.

And so has passed another session of our Legislature. No great harm has been done to the "vested interests," or anybody else, and some good has likely been accomplished for the people of the State. However interesting it might be, it is impossible to review all the laws. It is fortunate that at all sessions, some influences, "sinister" or otherwise, working secretly or openly, as the case may be, do not permit the passage of all the legislation offered in the form presented. It were better that such influences should appear openly at the Capitol of the Commonwealth, rather than move secretly in Philadelphia or Pittsburgh. Nevertheless, it is sure that less evil is done by preventing some than by passing all legislation.

It must be clear to anyone who has watched the work of our legislators, that there are among them men of high ability, of good intention, and with the comprehension of

what legislation means. I speak from personal acquaintance with men from my own county. It would be unfair in closing this address to let it carry with it the innuendo that to such men cannot be entrusted safely the making of laws, "the most important of earthly pursuits."

THE PRESIDENT: The next thing in order is the reading of the Minutes of the last annual session.

ROBERT W. PLAYFORD, Fayette: The proceedings of the last annual meeting having been published in full and distributed to the members of the Association, I move that the reading of the Minutes be dispensed with.

Duly seconded, and agreed to.

THE PRESIDENT: The next thing is the Report of the Treasurer.

WILLIAM PENN LLOYD, *Treasurer*, Cumberland, then read the

REPORT OF THE TREASURER

BEDFORD SPRINGS, PA., *June 27, 1911.*

Report of William Penn Lloyd, Treasurer of the Pennsylvania Bar Association, showing the receipts and disbursements from June 28, 1910, to June 27, 1911.

DR.

To balance in hands of Treasurer as shown by last report		\$7,428 54
To dues collected for year ending July 1, 1909.....	\$5 00	
To dues collected for year ending July 1, 1910.....	185 00	
To dues collected for year ending July 1, 1911.....	2,035 00	
To dues collected for year ending July 1, 1912.....	3,030 00	
		5,255 00
To interest collected on special deposit.....		120 00
To sale of Annual Reports		34 00
Total		\$12,837 54

CR.

By disbursements from June 28, 1910, to June 27, 1911.....	\$5,462 34
By balance in hands of Treasurer as shown by certificates from the First National Bank, Mechanicsburg, Pa., and the Dauphin Deposit Trust Company of Harrisburg, Pa., herewith submitted	7,375 20
	\$12,837 54

Four thousand dollars (\$4000.00) of the above balance is on special deposit at interest as a reserve fund. The remaining \$3,375.20 is subject to check.

The appropriation of \$750.00 to the Legal Biography Committee with the addition of \$474.30 from 1910 increased the appropriation to \$1,224.30. From this deduct \$600.00, the expenditures of the present year,—leaves a balance of \$624.30 unexpended.

Estimate of expenses, including payments from appropriations to the Legal Biography Committee, for the year ending July 1, 1912

\$5,700 00

Here follows detailed statement of disbursements, as shown by the accompanying bills and vouchers, which includes all bills submitted to date.

1910		Voucher No.	
July	7 Pd.	H. B. Grauley, cigars for banquet.....	1 \$147 28
"	7 "	Howe Addressing Co., addressing wrappers	2 48 00
"	8 "	Bailey, Banks & Biddle, menu cards for banquet	3 170 00
"	8 "	Francis Fisher Kane, printing, postage, telephone, being expenses incurred by Contingent Fee Committee	4 17 71
"	8 "	William H. Staake, Secretary, payment of sundry expenses incurred at annual meeting, Cape May, June, 1910.....	5 181 66
"	8 "	Wm. Penn Lloyd, payment of sundry expenses at annual meeting at Cape May, June, 1910	6 58 00
"	13 "	Hon. James Pennewill, incidental expenses in attendance at Annual Meeting at Cape May, June, 1910.....	7 15 00
"	22 "	Hampton L. Carson, re-payment of bills paid at Cape May, June, 1910.....	8 19 69
Aug. 11	"	B. F. Owen & Co., printing 300 copies Grievance Committee Report	9 8 00

1910		Voucher No.	
Sept.	2 Pd.	Thomas Printing House, printing 500 circular letters	10 \$3 00
"	5 "	T. Elliott Patterson, Secretary Legal Biography Committee, portion of appropriation	11 300 00
"	6 "	Fidelity Storage & Warehouse Co., three months storage to September 1, 1910....	12 24 46
"	26 "	T. A. Fenstermaker, stenographic services, Annual Meeting, 1910	13 177 25
Oct.	6 "	Eugene C. Massie, annual dues of Association as member of Class B, Comparative Law Bureau, to June 1, 1911.....	14 70 00
Nov.	2 "	Thomas Printing House, printing 1000 stamped envelopes and postage.....	15 23 00
"	8 "	Samuel E. Basehore, services rendered in preparation of two membership lists, list of deceased members, honorary members and delinquent members, and reading and correcting proof for Annual Volume No. 16, Pennsylvania Bar Association.....	16 75 00
Dec.	1 "	E. Moebius Est., 1500 copies of 5 portraits for 1910 Report	17 160 00
"	5 "	Fidelity Storage & Warehouse Co., storage, hauling and freight	18 25 10
"	15 "	Wm. H. Staake, Secretary, clerk hire and services as Secretary Pennsylvania Bar Association from July 1, 1910, to January 1, 1911	19 250 00
"	15 "	Wm. Penn Lloyd, Treasurer, clerk hire and services as Treasurer of Pennsylvania Bar Association from July 1, 1910, to January 1, 1911	20 250 00
"	19 "	George H. Buchanan Co., printing and binding 1500 copies of Volume 16, Pennsylvania Bar Association	21 1,606 57
"	19 "	George H. Buchanan Co., sundry items of printing and other expenses for Pennsylvania Bar Association	22 222 42
"	23 "	Wm. H. Staake, sundry expenses incurred during the past six months, July, 1910-January, 1911	23 92 20
"	23 "	Wm. Penn Lloyd, sundry expenses during past six months, July, 1910, to January, 1911	24 51 02

1911		Voucher No.	
Jan.	7 Pd.	Wm. H. Staake, Secretary, sundry expenses incurred at mid-winter meeting of Executive Committee at Pittsburgh.....	25 \$65 37
"	7 "	Wm. Penn Lloyd, Treasurer, sundry expenses incurred at mid-winter meeting of Executive Committee at Pittsburgh..	26 13 79
"	9 "	T. Elliott Patterson, Secretary, portion of appropriation to Legal Biography Committee	27 300 00
"	11 "	A. T. Markley, distribution of Volume No. 16	28 127 33
"	12 "	Cyrus G. Derr, Chairman of Publicity Committee	29 88 21
Feb.	18 "	J. W. Wetzel, expenses of the Admission Committee	30 8 56
Mar.	2 "	Fidelity Storage & Warehouse Co., etc....	31 19 60
Apr.	13 "	Thomas Printing House, receipt and notice books	32 12 50
May	17 "	Thomas Printing House, 2500 postage stamped envelopes	33 59 00
June	7 "	Harry R. McCarthy, County Treasurer, taxes	34 16 00
"	8 "	Fidelity Storage & Warehouse Co., storage	35 18 00
"	8 "	J. H. Koller, storage June 15, 1910, to June 15, 1911	36 15 00
"	15 "	Samuel E. Basehore, special services rendered as typewriter in answering correspondence and addressing and mailing receipts and other work incidental to holding annual meeting and annual collections	37 75 00
"	15 "	Wm. H. Staake, Secretary, clerk hire and services as Secretary of the Pennsylvania Bar Association, January, 1911, to July, 1911	38 250 00
"	15 "	Wm. Penn Lloyd, Treasurer, clerk hire and services as Treasurer of the Pennsylvania Bar Association, January, 1911, to July, 1911	39 250 00
"	19 "	W. A. Huber, stationery and record books, December 28, 1910, to June 19, 1911....	40 32 89
"	19 "	John S. Weaver, postage on Annual Volumes distributed by mail and general correspondence, December 28, 1910, to June 19, 1911	41 48 50

1911

Voucher No.

June 20 Pd. Ætna and Hartford Fire Insurance Companies, insurance on Annual Volumes in storage	42	\$40 63
" 21 " Howe Addressing Co.	43	26 60
Total		<u>\$5,462 34</u>

MEMORANDA OF MEMBERSHIP

Total number enrolled since organization.....		1815
Number deceased since organization.....	167	
Number resigned since organization.....	178	
Number dropped for non-payment of dues since organization	423	768
		<u>1047</u>
Number reinstated		34
Honorary members		18
		<u>1099</u>
Total on rolls at this date.....		1099

Respectfully submitted,

WM. PENN LLOYD,
Treasurer.

June 27, 1911, examined, compared and found correct.

C. H. RUEL,
R. W. PLAYFORD,
FRANCIS FISHER KANE,
Auditing Committee.

THE PRESIDENT: You have heard the Treasurer's Report; what is your pleasure in regard to it?

H. S. P. NICHOLS, Philadelphia: The Treasurer's Report having been audited, found correct and approved by the Auditing Committee appointed by the Executive Committee, I move that it be received and filed.

Duly seconded, and agreed to.

THE PRESIDENT: The next thing in order is the Report of the Secretary.

WILLIAM H. STAAKE, *Secretary*, Philadelphia, then read the

REPORT OF THE SECRETARY

To the President and Members of Pennsylvania Bar Association:

Your Secretary would most respectfully report:

Since the adjournment of the Sixteenth Annual Meeting of the Pennsylvania Bar Association on June 30, 1910, at Cape May, New Jersey, the Secretary has attended meetings of the Executive Committee at Cape May, New Jersey, June 30, 1910, at the rooms of the Allegheny County Bar Association in the County Court Building in the City of Pittsburgh, December 29, 1910, and at Bedford Springs, Pennsylvania, June 27, 1911.

The close of the very successful banquet held on the evening of June 30, 1911, at the Hotel Cape May was followed by the lamentable death of John William Hallahan, 3d, Esq., of Philadelphia, who, within a brief period prior to his death had received the plaudits of the members and guests of the Association in appreciation of his most excellent and eloquent response to the toast of "The Ladies." An account of the accident which caused the death of Mr. Hallahan is found on pages 347 and 348 of the minutes of the Sixteenth Annual Meeting, and the text of his response, together with a portrait of Mr. Hallahan on pages 462 to 466 of the same report.

Immediately after the retirement of the guests from the banquet room, your Secretary was besieged with requests from many ladies as well as gentlemen that he should try to secure a copy of Mr. Hallahan's response, which seemed to have made a profound impression upon all of his hearers. In the lobby of the hotel Mr. Hallahan was the

recipient of numerous congratulations upon the character of his response. Within an hour thereafter your secretary was called from his bedchamber to be informed of Mr. Hallahan's sudden death by being caught between the elevator and the ceiling of the room from which it started. The morning and day of gloom which then followed will never be forgotten by those whose official connection with the Association made them participants in all of their sad events. Your secretary, as the representative of the Association, attended the solemn funeral services of Mr. Hallahan in the Cathedral of St. Peter and St. Paul in Philadelphia on the morning of July 4th. To comply with the requests of so many of our members and of the ladies who were present with them as guests of the Association, your Secretary, on the basis of certain notes of a portion of Mr. Hallahan's response, with the assistance of William J. Conlen and John H. Hall, Esquires, of the Bar of Philadelphia, was able to reproduce the response, which, with an extract from an article in the *Catholic Standard and Times*, of Saturday, July 10, 1910, from the pen of our fellow-member, Walter George Smith, Esq., was printed in the Sixteenth Annual Report as a fitting memorial to our deceased fellow-member.

During the year following the adjournment on June 30, 1910, the Secretary has been in conference and correspondence with President Edwin W. Smith, Treasurer William Penn Lloyd, and the Chairman of the Executive Committee, Mr. J. B. Colahan, Jr. He has also had an unusual amount of correspondence and conferences with the Chairmen and members of the various Committees of the Association, as well as with individual members of the Association.

Several members of the Association, leaders of their respective Bars, have written to the Secretary inquiring if a change of dates for the Annual Meeting of the Association would not be more convenient for very many members

of the Association, stating the time now fixed, namely, the last week of June, is "not only in conflict with the Courts, but is when the Bar, or many of them are off for the summer or tired out physically and mentally, or at college reunions and commencements, or closing up the fag end of things in order to get away for the summer." Mention has been made of the fact that the New York State Bar Association holds very successful meetings in the month of January. Your Secretary has replied that the time for the meetings was fixed as early as 1895, when, succeeding the preliminary convention held at Harrisburg on January sixteenth of that year, the first annual meeting was held on July 10th and 11th at Bedford Springs, followed in 1896 with the second meeting on July 8th and 9th, at the same place, with the third meeting on June 30 and July 1, 1897, at Cresson Springs, with the fourth meeting July 7 and 8, 1898, at Delaware Water Gap, the fifth meeting July 6th and 7th at Wilkes-Barre, and that all the meetings succeeding and including the Sixteenth Annual Meeting at Cape May in 1910, had been held in June, beginning not earlier than June 23d and not later than June 30th, and that on several occasions the same question had been raised, when it appeared to be the sentiment of a majority of the members that June was the most convenient time for our annual meeting. In view, however, of the number of those who have, from time to time, made the suggestion of a change, the Secretary promised to bring the matter to the attention of the Association.

Following the adjournment of the Sixteenth Annual Meeting, the Secretary communicated the thanks of the Association to the publishers of the various law journals of Pennsylvania, and to the University of Pennsylvania, receiving from each appreciative replies. He also furnished his Excellency, Governor Stuart, with a copy of the Report of the Special Committee on Comparative Jurisprudence of the Pennsylvania Bar Association, with a copy of the reso-

lution adopted at the meeting in reference to the drafting and presentation to the next Legislature of an appropriate act authorizing the Governor to appoint a commission to examine and consider the statutes in force, report those acts proper to be repealed as obsolete or needless and prepare a concise and practical revision and unification of the statutes of Pennsylvania not so reported for repeal. He further communicated to the Governor a copy of the resolution adopted by the Association asking the Legislature to authorize the appointment of a commission to inquire into the working of the present law regulating liability of employers for industrial accidents, etc., as found upon page 321 of the Sixteenth Annual Report of the Association, and was advised that the suggestions of the Association would have the careful consideration of the Governor.

The *Pittsburgh Legal Journal*, in acknowledging the reception of the thanks of the Association, expressed appreciation of the action taken, and trusted that we would always keep in mind that the *Journal* is ready and willing at all times to advance our interests.

The Secretary received a communication from Mr. A. P. Burgwin, Assistant General Counsel of the Pennsylvania Lines West of Pittsburgh, inquiring as to the action of the Association in reference to the liability of employers for industrial accidents, and upon the subject of contingent fees. The Secretary furnished Mr. Burgwin with a copy of the action taken by the Association.

Case and Comment, the lawyers' magazine of Rochester, New York, was furnished by the Secretary, at its request, with an account of the proceedings and addresses given at the last annual convention of the Association.

Acknowledgments have been received from the various national and State libraries, university and college law school libraries and others upon the list of the Association receiving copies of the Annual Report of the Association.

Mr. Webster A. Melcher, of the Philadelphia Bar, has sent to the Secretary a copy of an article on the public records and on documentary records, with some practical suggestions for the preparation of written records with a view to their permanence, and also of the draft of an act prepared by him and introduced on February 20, 1911, in the Pennsylvania Senate by Senator Tustin, which was referred to the Judiciary General Committee, which, after the hearing of an argument by Mr. Melcher, a copy of which was also furnished the Secretary, was reported favorably by that Committee. Mr. Melcher also sent to the Secretary a reprint from the *Central Law Journal* of May 5, 1911, of his paper on the "Identification of a Mark."

The Secretary has also received a printed statement designated "A Few Facts Relating to the Appellate Courts of Pennsylvania Since the Organization of the Superior Court, July 1, 1895," embracing a statement of the amount of appellate litigation, the division of such litigation, the delay in appellate litigation, and the cases disposed of by the Superior Court, the printed communication being of date June 30, 1910.

On January 15, 1911, Charles DuChamp, Esq., Secretary of the Louisiana Bar Association, wired the Secretary that the Association would meet to consider policy regarding endorsement of candidates for the Judgeship of the highest State Court elective under State Constitutions, inquiring if similar officers in our State were appointive or elective—if our political parties nominated Judges at primaries or convention, and also that I state the policy of our Association as to the method and time of endorsement of judicial nominations. The Secretary replied, giving the Secretary of the Louisiana Association the statement that our state and county Judges are elective, temporary appointments being made by the Governor in the event of vacancies; that the Judges are now nominated at a primary elec-

tion, and that our Association did not, as an association, make any endorsement of judicial candidates.

Including the present Seventeenth Annual Meeting, the Association has held its annual meetings at Bedford Springs eight times, Cape May three, Cambridge Springs three, Delaware Water Gap, Wilkes-Barre and Cresson Springs each one time.

The Sixteenth Annual Report of the Association, together with the reports of the Committees and the papers read and addresses made at the meeting, was prepared by the Secretary and distributed to the members of the Association. The report contains 572 pages, exclusive of the 5 portraits, as compared with 521 pages, exclusive of the 8 portraits, in the Fifteenth Annual Report, and 631 pages in the Fourteenth, 643 in the Thirteenth, 487 in the Twelfth, 444 in the Eleventh, and 440 pages in the Tenth Annual Report of 1904.

The Annual Address was delivered by Chief Justice Pennewill, of the State of Delaware, while most learned and excellent papers were read by the Honorable Hampton L. Carson, of Philadelphia, on "The Genesis of Blackstone's Commentaries and Their Place in Legal Literature," and by H. Frank Eshleman, Esq., of Lancaster, on "The Constructive Genius of David Lloyd." The reading of two papers instead of four, as heretofore, was a new departure in the practice of the Association which will be followed at the Seventeenth Annual Meeting. Each of these papers was of marked interest, indicating the learning and research of their writers, and each received the appreciative attention of the members and guests of the Association. The exhibit made by Mr. Carson as an illustration of his paper, by an exhibition of legal classics, portraits, autograph letters and original documents, including Blackstone's commission as a Judge, his appointment as King's Counsel, notes from the Commentaries in his own handwriting, the original first

edition, English, the first American edition, the first illustrated edition, etc., etc., proved quite an attraction to our members and their guests.

Copies of the Annual Report were sent to the law libraries of the State, and to those of leading law schools, Bar Associations in Pennsylvania, and to each Bar Association which has placed our Association upon its exchange list. Copies were also sent to the American Bar Association and to the National Conference of Commissioners on Uniform State Laws. Requests for places upon our exchange list are constantly increasing, and the Secretary employs a considerable amount of his time in explaining to local Bar and other Associations in various States of the Union the impossibility of providing each of them with a copy of our Annual Reports. With the advance of years the value of a full set of our Annual Reports will be more greatly appreciated. A resolution of the Executive Committee, approved by the Association, requires the payment of the sum of two dollars for a copy of any report of the Association.

During the year the Secretary has received reports from the following Bar Associations:

- American Bar Association.
- Alabama State Bar Association.
- Bar Association of Arkansas.
- California Bar Association.
- Colorado Bar Association.
- Georgia Bar Association.
- Illinois State Bar Association.
- Indiana Bar Association.
- Kentucky State Bar Association.

Constitution, By-Laws, Roll of Members and Proceedings of the Kentucky State Bar Association at its Organization Meeting held in Louisville, Kentucky, November 19, 1901.

- Massachusetts Bar Association.
- Michigan State Bar Association.

Mississippi State Bar Association.
North Dakota State Bar Association.
Oklahoma State Bar Association.
Rhode Island Bar Association.
Texas Bar Association.
Virginia State Bar Association.
Washington State Bar Association.

The official notices issued by the Secretary have been sent by him to the

Dauphin County Reporter, Harrisburg, Pennsylvania.
Delaware County Reporter, Chester, Pennsylvania.
Lancaster Law Review, Lancaster, Pennsylvania.
Legal Intelligencer, Philadelphia, Pennsylvania.
Montgomery County Law Reporter, Norristown, Pennsylvania.
Northampton County Reporter, Easton, Pennsylvania.
Pittsburgh Legal Journal, Pittsburgh, Pennsylvania.
York Legal Record, York, Pennsylvania.

The legal journals of our Commonwealth have been so generous in courteously publishing any matters sent to them by the Secretary, such as the preliminary notices of our annual and of the Executive Committee meetings, that the Secretary is very desirous of having a correct list of all of such journals published in our Commonwealth. If there are others not included in the list named in this report, the Secretary will greatly appreciate the action of the membership in advising him of such additional law journals with the name of each and the place of publication.

The preliminary announcement of the time and place of the Annual Meeting was, as is usual, sent by the Secretary to the various law journals of the Commonwealth, and the circular and program of the Seventeenth Annual Meeting was also sent to the journals as well as to each member of the Association. Following these notices, reply postal cards were sent to each member of the Association, then numbering 1083, now 1099, to which about 650 replies have

been received, including those who stated their intention of being present, those who could not attend, and those who were doubtful as to their ability to attend the Annual Meeting.

An invitation was extended to his Excellency, Governor John Kinley Tener and Mrs. Tener to attend the Seventeenth Annual Meeting of the Association as its guests. The Secretary received a reply that they would be only too glad to join the members of the Association at Bedford if it would be at all possible, and stating that upon the receipt of a more formal invitation promised by the Secretary, he would be advised positively.

Senator Penrose, who is a member of the Association, regretted that it would be impossible for him to attend the Annual Meeting, as it was essential for him to be in Washington in attendance upon the sessions of the Senate as he had charge of the tariff legislation pending in that body at this time. He further stated: "Were it not for engagements incident to the extra session of Congress, I would be very glad to attend the meeting."

As a member of the Committee of Arrangements, appointed at the instance of the Executive Committee at its Mid-winter Meeting held in Pittsburgh, Pennsylvania, December 29, 1910, the Secretary has had frequent personal conferences and an extended correspondence with Mr. H. M. Wing, assistant manager of the Bedford Springs Hotel and with the officials of the railroad, with the view of completing the arrangements for this Seventeenth Annual Meeting of the Association. All of these gentlemen have been most active and energetic in their efforts to assist the officers and Committees in making the meeting successful and one of pleasure and profit to all privileged to be present at its sessions as members or guests of the members of the Association.

Very respectfully submitted by

WILLIAM H. STAAKE,

Secretary.

THE PRESIDENT: What action shall be taken on the Secretary's Report?

WILLIAM M. HAYES, Chester: I move that the Report of the Secretary be received and filed; and I further move that the thanks of the Association be extended to the various legal periodicals of the State for their continued courtesies.

Duly seconded, and agreed to.

THE PRESIDENT: The Report of the Executive Committee.

JOHN B. COLAHAN, JR., *Chairman*, Philadelphia, then read the

REPORT OF THE EXECUTIVE COMMITTEE

To the Pennsylvania Bar Association:

Your Executive Committee respectfully reports:

That on June 30, 1910, at Cape May, immediately after the adjournment of the Association, your Executive Committee met, the following being present:

Edwin W. Smith, President of the Association; Wm. H. Staake, Secretary; R. T. Cornwell, Vice-President; Wm. Penn Lloyd, Treasurer, and the following members:

Charles D. Gillespie, C. H. Ruhl, Frederick Bertollette, E. L. Whittelsey, T. C. Hipple, Russell C. Stewart, J. B. Colahan, Jr., Edmund E. Kiernan, Andrew E. Leiser and Jas. I. Brownson.

The meeting was called to order by the Secretary, and on motion of Mr. Bertollette, Mr. Colahan was unanimously elected Chairman.

On motion, the place of the mid-winter meeting was left to the selection of the Chairman and President of the Association, and the time of said meeting was fixed for Thursday, December 29, 1910, at 10 o'clock a. m.

Subsequently, the President and Chairman fixed the place of said meeting at the rooms of the Allegheny Bar Association in the City of Pittsburgh.

At the time and place so fixed your Executive Committee met, the following being present :

EDWIN W. SMITH, *President*
WILLIAM H. STAAKE, *Secretary*
WILLIAM PENN LLOYD, *Treasurer*
J. B. COLAHAN, JR., Philadelphia,
Chairman of Committee
CHARLES D. GILLESPIE, Allegheny
SAMUEL McCLAY, Allegheny
FREDERICK BERTOLETTE, Carbon
E. L. WHITTELEY, Erie
ROBERT W. PLAYFORD, Fayette
JAMES E. SAYERS, Greene.
N. H. LARZELERE, Montgomery
RUSSELL C. STEWART, Northampton
FRANCIS FISHER KANE, Philadelphia.
R. STUART SMITH, Philadelphia
EDMUND E. KIERNAN, Somerset
ANDREW A. LEISNER, Union
JAMES I. BROWNSON, Washington

Excuses were received from William Harrison Allen, of Warren, Charles F. Hager, of Lancaster, and Edward E. Robbins, of Westmoreland.

Among other members of the Association who were present during the session of the Committee were:

WILLIAM U. HENSEL, Lancaster
THOMAS S. BROWN, Allegheny
ALEXANDER SIMPSON, JR., Philadelphia
NATHANIEL EWING, Fayette
Members of the Committee on Law Reform
JAMES M. LAMBERTON, Dauphin
Chairman of the Committee on Legal Education
WILLIAM H. KELLER, Lancaster
Secretary of the Committee on Legal Education
T. ELLIOTT PATTERSON, Philadelphia
Secretary of the Committee on Legal Biography
EDWIN Z. SMITH, Allegheny
Of Special Committee on Legal Ethics

F. C. MCGIRR, Allegheny

*Of Special Committee on Constitution of Courts
in Pennsylvania*

CHARLES WETHERILL, Philadelphia

*Chairman of Special Committee on Revision and
Unification of Statutes*

A. MITCHELL PALMER, Monroe

The Minutes of June 28 and 30, 1910, having been read and approved, the Treasurer submitted for our information a statement showing:

Balance as per Annual Report	\$7428 54	
Amount received since	1784 00	
		\$9212 54
Disbursement	\$3995 36	
Balance	\$5217 18	
Made up of Special deposit as reserve fund..	\$4000 00	
Subject to check	1217 18	\$5217 18

and stated that all bills submitted to him, and all other expenses so far as he could ascertain, had been paid. That 163 members had not remitted their dues for the current year and that a second notice had been mailed to each of them. He further reported that of \$750 appropriated to the Committee on Legal Biography, \$300 had been paid.

It was unanimously agreed that the Annual Meeting of the Association should be held at Bedford Springs on Tuesday, Wednesday and Thursday, June 27, 28 and 29, 1911.

The President of the Association was authorized to select the honorary speaker for that occasion.

The Chairman of the Executive Committee was authorized to select a Committee of Arrangements to consist of five members, including the said Chairman and the Secretary of the Association.

He appointed the following: J. B. Colahan, Jr., William H. Staake, Edwin Z. Smith, Edward W. Biddle and J. B. Woodward.

The number of papers to be read at the Annual Meeting was fixed at two, one on Wednesday evening, June 28th, and the other on Thursday evening, June 29th.

The Chairman was authorized to appoint a Reception Committee to serve during the next Annual Meeting, from those members who should signify their intention to be present.

The following Committee has been appointed:

GEO. W. CARR, *Chairman*
F. C. MCGIRR
R. W. PLAYFORD
CASPER DULL
N. M. EDWARDS
ED. B. SCULL
CHAS. F. HAGER
W. C. WILSON

A communication from Cyrus G. Derr, of Berks, Chairman of the Special Committee on Publicity, dated August 13, 1910, was read. From this it appeared that the statement of the expenses of the Committee aggregated the sum of \$307.41, the receipts from the publication of "The Narr" \$219.20, leaving a balance to be paid by the Association of \$88.21. On motion, the Treasurer was authorized to pay to Chairman Derr the said balance due the Committee, which amount had been generously advanced by the Chairman pending the approval of the payment by the Executive Committee. It was further stated that in the year 1909 the deficiency paid out of the treasury was \$120.74, as compared with \$88.21 for the year 1910. A statement of the individual items of the receipts and expenses was submitted.

A second letter, of date December 27, 1910, was read, as follows:

December 27, 1910.

HON. WILLIAM H. STAAKE,

Secretary, Pennsylvania Bar Association, Philadelphia, Penna.

Dear Sir:

I beg to remind you of the submitting of the account of expenses which I sent you some months ago to the Executive Committee to the end that I may be reimbursed in the sum of \$88.21, the amount by which the expenses of the Publicity Committee exceeded the income from "The Narr" newspaper.

Mr. Dampman and I think that the publishing of a newspaper should not be repeated for the reason, among others, that its limited circulation makes it impossible to give to advertisers the worth of their money.

Some of the other objections are perhaps equally strong.

With respect to the other function of the Committee that for which it was appointed, namely:

The giving of greater publicity to the doings at the Annual Meeting by

The securing in advance of papers and speeches.

The making of abstracts thereof and sending out to the nearly 200 daily newspapers of the State in advance of the meeting with forecasts of the proceedings.

Also the having at the meetings of a person to furnish upon demand, such additional reports as newspapers may ask for.

The receiving of newspaper men and reporters attending the convention, etc.

All this would seem to be of some use.

Mr. Dampman, in addition to being a member of the Bar, is an experienced newspaper man and I have asked him to furnish an estimate of the annual cost of such work if he were to do the work.

I attach a copy of his letter from which you will see that the cost, including postage, printing, hotel expenses and a moderate sum for his own work, would be \$147.00.

The Committee will be able to judge as to whether the results of this kind of labor persisted in from year to year, would be commensurate with the expenditure.

I am sending a copy of this letter to Hon. W. U. Hensel who, Mr. Dampman and myself constitute the Committee, requesting him to state his views to the Committee personally as I assume that he will attend the meeting at Pittsburgh.

Very truly yours,

CY G. DERR.

together with a letter from John B. Dampman, of the Committee, addressed to Chairman Derr, dated December 24, 1910, as follows:

READING, PA., December 24, 1910.

CYRUS G. DERR, ESQ.,
Reading, Pa.

My dear Mr. Derr:

With regard to the matter of the continuance of the work of the newspaper committee, I find that there are some fifteen or twenty addresses and reports to be condensed. An approximate estimate of the cost, on the basis of our conversation, would be about as follows:

Postage	\$16 00
Printing	36 00
Stationery	10 00
Compensation for work	50 00
Expenses at meeting	35 00
	\$147 00

This would provide for the expenses and enable whoever did the work to at least come out whole.

Yours very truly,

JOHN B. DAMPMAN.

A discussion followed the reading of these letters, whereupon a motion prevailed that, in the judgment of the Executive Committee, it would be unwise to continue the publication of "The Narr" hereafter. Thereupon it was moved and carried that the Special Committee on Publicity be continued and be authorized to proceed with the giving of greater publicity to the doings of the annual meetings in the manner set out in the letter of Chairman Derr of December 27, 1910, providing the outlay therefor should not exceed the estimate of Mr. Dampman, of the Committee, as contained in his letter, amounting to the sum of \$147.

The Secretary, for the information of the Committee, read the following letter:

Telegraphic Address
81 Temple

MIDDLE TEMPLE LIBRARY
London, E. C.

September 15, 1910.

Dear Sir:

I learn that a paper read before your Association upon "The Genesis of Blackstone's Commentaries and their Place in Legal Literature," by Mr. Hampton L. Carson, has been published and I write to ask if you would kindly inform me if there is any means by which I may obtain a copy for this Library, since I have received no information of it through the ordinary trade channels.

Yours faithfully,

C. E. A. BEDWELL.

To Secretary of the Pennsylvania State Bar Association.

In compliance with the request, the Middle Temple Library was furnished with three copies of the address of Mr. Carson, following which the Secretary received this acknowledgment:

MIDDLE TEMPLE, London

6 Oct., 1910.

Sir:

I am desired by the Masters of the Bench of the Honourable Society of the Middle Temple to acknowledge the receipt of "The Genesis of Blackstone's Commentaries and their Place in Legal Literature" by Hampton L. Carson, and to express to you their best thanks for your kind and gratifying presents.

I am

Your obedient servant,

J. W. WALDRON,
Under Treasurer.

W. H. STAAKE, ESQ., Philadelphia.

A communication from the George H. Buchanan Company, submitting two volumes of the proceedings of the Six-

teenth Annual Meeting of the Association bound in law buckram was submitted to the Committee. These copies were of two shades. It was suggested that the Reports bound in this manner, in place of the three-quarter style of former years, would result in a saving in price of about ten cents per copy, and such binding would be more durable than the three-quarter style of binding. Upon an examination of the sample volume submitted, the Committee approved of the buckram binding and referred the matter to the Secretary of the Association with power to act.

The Secretary presented a statement concerning the following subjects:

Fire insurance on goods at Fidelity Storage House.—Reger, Superintendent of Company, says insurance rate for goods in fire-proof building is \$7.20 per \$1000—Reger considers goods in fire-proof building safe from fire, unless it originates in the vault in which they are stored—one vault could be burned out without affecting neighboring vaults—no electric wiring in vaults—electric lights are carried in when needed—Reger says some people renting vaults insure their goods, but there are more who do not—Reger himself, knowing what he does about building, would not carry insurance on anything he had stored there—do not know what amount of insurance P. B. A. carried, or what rate it pays.

Storage Space.—Present vault at Fidelity Storage four feet wide, ten and a half feet high, twelve feet deep, \$6.00 per month rent—is practically full—doubtful whether space enough for reserve supply of 1911 reports—will be necessary to take an additional vault or to take out some of the older reports—is it necessary to keep all the present stock of the earlier volumes?—perhaps 250 of each of the earlier volumes on hand.

Whereupon, a motion prevailed that the Secretary be authorized to conclude arrangements for the removal of such part of the books and other matter now in the fire proof room of the Fidelity Storage and Warehouse Company as might be necessary, placing an insurance upon the same, and to discontinue any insurance upon such matter as thereafter remained in the fire proof room in said warehouse.

The Secretary stated that as a due and fitting memorial to John William Hallahan, 3d, whose unfortunate death occurred shortly after the banquet of the Association at Cape May, at which he had responded to the toast of "The Ladies," the Secretary had printed in the Annual Report the response of Mr. Hallahan, his portrait, a statement of the unfortunate occurrence and an extract from a tribute by Walter George Smith, a member of the Association. Whereupon, on motion, the action of the Secretary was unanimously confirmed by the Committee.

The Secretary read a letter from Mr. Walter J. Hallahan, a brother of Mr. Hallahan, deceased, for the information of the Committee, as follows:

W. J. H.

Tuesday.

HON. WILLIAM H. STAAKE,

Sec. Pennsylvania Bar Association.

Dear Judge Staake:

It was very good of you to send me a copy of the Sixteenth Annual Report of the Pennsylvania Bar Association and I thank you for it. The fact that the officers of your Association included in it the speech of my dear brother John, and the splendid tribute paid to him by Mr. Smith, in addition to an account of his last night in the world, makes it a precious possession for me and mine. I know that the other members of my family will value their copies as highly as I do mine.

Kindly convey to the officers of your Association our gratitude for this memorial of my brother's last work.

Sincerely yours,

WALTER J. HALLAHAN

December the twentieth

Nineteen hundred and ten.

The Secretary read a letter of November 22, 1910, from Norman D. Gray, First Assistant of the Pennsylvania State Library at Harrisburg, in which there was a suggestion "that the State Library be constituted the distributor of the reports of the Association to other State Bar

Associations, of course paying all charges. In this way complete sets of State Bar Association reports would be on file in the State Library." After some discussion, it was resolved that in the judgment of the Committee it was inexpedient to change the present method of distributing the reports of the Association.

A letter addressed to the Secretary by Luther E. Hewitt, Librarian of the Law Association of Philadelphia, dated December 15, 1910, was read as follows:

THE LAW ASSOCIATION OF PHILADELPHIA
Room 600 City Hall
Philadelphia.

LUTHER E. HEWITT,
Librarian.

December 15, 1910.

HON. WILLIAM H. STAAKE,
Secretary of the Pennsylvania Bar Association,
Philadelphia.

Dear Sir:

The Law Library in the City Hall in Philadelphia is used considerably by Pennsylvania lawyers visiting Philadelphia. The Board of Governors think it fitting that the needs of these visiting attorneys be considered. The sittings too of the Supreme and Superior Courts in this city make some provisions desirable as to local practice. For these reasons, as well as for the convenience of the members of the Philadelphia Bar, the Board direct that the Librarian procure the court rules of the respective county courts of Pennsylvania—the Common Pleas, Oyer and Terminer, Quarter Sessions, and Orphans' Courts—so far as the same are not already at the library; and that he keep them up to date as amendments are made, or as new editions are published. I fear that a strict compliance with this direction will prove difficult and uncertain. As officials change, in the different counties, the desire of the library in Philadelphia is apt to be forgotten, and new editions or new rules, may fail to be procured by that institution.

The Pennsylvania Bar Association, however, can readily place the whole matter on a good basis, on behalf not only of the law library in Philadelphia but for the convenience of the entire Bar of the State. This it can do by the adoption of a by-law pro-

viding for the appointment from year to year of a committee in each county, charged with the request that report be made to each annual meeting of the State Bar Association, of all new editions or amendments that shall have been made during the year ending with such annual meeting.

May I venture to make this suggestion, out of a desire to accomplish better the duty required by the Board of Governors.

Yours very truly,

LUTHER E. HEWITT,
Librarian.

Whereupon it was resolved that the letter be referred by the Secretary to the Chairmen and Secretaries of the Legal Education and Legal Biography Committees, to carry the suggestion of Librarian Hewitt into effect.

After some discussion on the subject of securing additional membership in the various counties of the Commonwealth, it was resolved that the President, in conjunction with the Chairman of the Committee on Admissions of the Association, appoint one member of the Association in each county of the Commonwealth other than Philadelphia and Allegheny Counties, and three members in each of said counties, to make a special canvass of the Bar of their counties, with the view of securing a greater representation in the membership of the Association.

President Smith stated that he had met Ex-Governor Montague, of Virginia, a man of national reputation as an orator, who had accepted his invitation to become the honorary speaker at the Seventeenth Annual Meeting of the Association.

The thanks of the members of the Executive Committee were extended to the members of the Allegheny County Bar Association for their courtesy in extending to the Committees of the Association the use of their room, for their courteous attention to the members of the Committee, and for the generous invitation to luncheon at the University Club.

The Secretary stated that in compliance with the directions he had received at the Sixteenth Annual Meeting of the Association, he had conveyed the thanks of the Association to the publisher of each law journal in the Commonwealth of Pennsylvania, to the University of Pennsylvania, and had written to his Excellency, the Governor of the Commonwealth, conveying the action of the Association in reference to the revision and unification of the statutes of the Commonwealth and for the appointment of a commission to consider the subject of compensation for industrial accidents.

After the adjournment of the meeting the members of the Executive Committee and of the other Committees present enjoyed the hospitality of the Allegheny County Bar Association at a delightful luncheon served at the University Club, and visited some of the public buildings under the personal conduct of the hospitable Pittsburghers. In the evening they, with many of the members of the Allegheny County Bar, were the guests of President Smith at a most delightful dinner, served at the Duquesne Club, listening enthralled to the eloquence of President Smith, Edwin W. Smith, Esq., E. W. Smith and others.

The final meeting of the Committee was held on Tuesday, June 27, 1911, at 10 o'clock, at Bedford Springs.

There being present, Colahan, Chairman; Messrs. Staake, Lloyd, Gillespie, Ruhl, Playford, Hager, Stewart, Kane, Leiser, Brownson and Robbins.

The Chairman presented the Report of the Executive Committee, prepared for their approval, which was offered and adopted as the Report of the Committee.

The Committee of Arrangements reported the program which had been prepared for this Annual Meeting of the Association, herewith submitted, which was approved and adopted.

The Treasurer presented his Annual Report, which was referred to a Committee consisting of Messrs. Ruhl, Playford and Kane for examination and audit.

The Secretary read his Report for the information of the Committee.

A communication was presented from Mr. Norman D. Gray, First Assistant State Librarian, with reference to the interchange and distribution of the Annual Reports of the Association. The Secretary was instructed to communicate with Mr. Gray as to whether space could be allotted in the State Library for the deposit of Reports of other Associations now owned by this Association, the books to remain our property, and general power was given to the Secretary to adjust the matter.

The President of the Association was requested to notify the Secretary as soon as possible of the appointees on the several Committees, and the Secretary was instructed to notify the members of the various Committees of their appointment and to send to each member a full list of all Committees, accompanied by blank applications for membership.

PROGRAM

TUESDAY, JUNE 27, 1911

Afternoon Meeting, 2 o'clock

President's Address, by EDWIN W. SMITH, ESQ., Pittsburgh, Pa.

Subject: "Law and the Function of Legislation"

Reading of Minutes

Treasurer's Report—HON. WILLIAM PENN LLOYD, Mechanicsburg

Secretary's Report—HON. WILLIAM H. STAAKE, Philadelphia

Reports of Committees

Executive—JOHN B. COLAHAN, JR., ESQ., Chairman

LAW REFORM—ALEX. SIMPSON, JR., ESQ., Chairman

Legal Education—JAMES M. LAMBERTON, ESQ., Chairman

Legal Biography—HON. EDWARD W. BIDDLE, Chairman

Admissions—EDWARD J. FOX, ESQ., Chairman

Grievances—CYRUS G. DERR, ESQ., Chairman

Uniform State Laws—WALTER GEORGE SMITH, ESQ., Chairman

Special Committee on "Legal Ethics"—HON. NATHANIEL EWING, Chairman

Special Committee on "Constitution of Courts in Pennsylvania"—HON. HAROLD M. MCCLURE, Chairman

Special Committee on "Contingent Fees"—HON. ABRAHAM M. BEITLER, Chairman

Special Committee on "Attorney-General's Department"—HON. M. HAMPTON TODD, Chairman

Special Committee on "Digesting of Statutes"—J. NORMAN MARTIN, Esq., Chairman

Special Committee on "Judiciary Department"—THOMAS S. BROWN, Esq., Chairman

Special Committee on "Jury System"—THOMAS J. MEAGHER, Esq., Chairman

Special Committee on "Revision and Unification of the Statutes"—CHARLES WETHERILL, Esq., Chairman

Appointment of Committee on Nominations

Consideration of Reports of Committees

Evening Meeting, 8 o'clock

Annual Address—HON. ANDREW J. MONTAGUE, Ex-Governor of Virginia—Subject: "A More Effective Cabinet"

WEDNESDAY, JUNE 28, 1911

Morning Meeting, 10 o'clock

Further Consideration of Reports of Committees

Unfinished Business

Reading of Bills for Proposed Legislation

(No Afternoon Meeting)

Evening Meeting, 8 o'clock

Paper by HON. ROBERT RALSTON, Philadelphia—Subject: "The Delay in the Execution of Murderers"

Discussion of Papers

THURSDAY, JUNE 29, 1911

Morning Meeting, 11 o'clock

Paper by JOHN MARSHALL GEST, Esq., Philadelphia—Subject: "The Law and Lawyers of Balzac"

Further Discussion of Papers

Unfinished Business

Afternoon Meeting, 3 o'clock

Appointment of Delegates to the American Bar Association and the
Comparative Law Bureau

Unfinished Business

New Business

Election of Officers

Annual Banquet, 7.30 p. m.

EDWIN W. SMITH, retiring President, Toastmaster

Responses to toasts are expected from His Excellency the GOVERNOR OF THE COMMONWEALTH OF PENNSYLVANIA, EX-GOVERNOR ANDREW J. MONTAGUE, of Virginia, HON. JOSEPH BENJAMIN DIMMICK, of Scranton, Pennsylvania, WARREN I. SEYMOUR, Pittsburgh, Pennsylvania, and others to be hereafter announced.

Which is respectfully submitted,

J. B. COLAHAN, JR.,
Chairman.

E. H. HALL, Delaware: I move that the Report of the Executive Committee be received, filed and approved.

Duly seconded, and agreed to.

THE PRESIDENT: The next thing in order is the Report of the Committee on Law Reform.

ALEX. SIMPSON, JR., *Chairman*, Philadelphia: The Report of this Committee being in print and accessible to all the members, it does not seem that there is anything else necessary to be now said.

REPORT OF THE COMMITTEE ON LAW REFORM

To the Members of the Pennsylvania Bar Association:

GENTLEMEN:—At the 1909 meeting of the Association, the following resolution was referred to your Committee (Report of 1909, page 303):

“Resolved, That the Committee on Law Reform be requested to consider and report upon the advisability of sub-

mitting to the Legislature for adoption an Act providing for supplementary proceedings after the entry of judgment against a defendant in any action; for the purpose of ascertaining through the examination of defendant or other witnesses what property may be subjected to the execution on the judgment."

Last year we reported in regard thereto as follows (page 62) :

"Your Committee are not prepared to report upon that subject at the present time, and therefore request that its consideration be postponed until next year. It is at least doubtful whether the end sought thereby could not be far better secured through amendments of the National Bankruptcy Act and the State Insolvent Act, so as to allow a single creditor, whose claim has ripened into judgment, and an execution thereon been returned *nulla bona*, to proceed against the debtor in bankruptcy in cases within the Bankrupt Act, and in insolvency in cases not within it, with the usual examination following those proceedings."

Your Committee are still of the opinion there expressed, but in view of the extreme difficulty in obtaining both legislative and congressional action along the lines stated, have deemed it wise to present the following draft of an Act, as a substitute until such time as the Bankruptcy and Insolvency Acts are amended to meet the difficulty. The immunity provision at the end of Section 2 is taken bodily from the Act of Congress of 11th February, 1893, c. 83, 27 Stat. at L. 443, which was sustained in

Brown v. Walker, 161 U. S. 591 (1896)

It is seriously doubtful whether any less comprehensive immunity would be sufficient to preserve the proposed Act against the charge that it violated the constitutional provision that no person shall be compelled in any criminal case "to be a witness against himself" (5th Amendment to Constitution of the United States), or (Article 1, Sect. 9,

of Constitution of Pennsylvania) "to give evidence against himself," in view of the decision in

Counselman v. Hitchcock, 142 U. S. 547
(1892)

At any rate, it is deemed best to adhere to the language which has received such high judicial approval, rather than embark upon uncharted seas. The proposed Act is as follows:

AN ACT

TO PROVIDE FOR THE ORAL EXAMINATION OF A JUDGMENT DEBTOR FOR THE PURPOSE OF DISCOVERING WHETHER HE HAS PROPERTY WHICH MAY BE MADE SUBJECT TO EXECUTION ON THE JUDGMENT.

SECTION I. Be it enacted &c., That in any case in which a final judgment has been or may hereafter be recovered in any court of record in this Commonwealth, upon which an execution has been issued and a return made by the Sheriff of the proper county to the effect that property cannot be found sufficient to satisfy the said judgment and execution, upon petition of the plaintiff under oath setting forth that he believes the defendant has property which should be applied towards the payment of such judgment, the court shall enter an order requiring the judgment debtor to attend and be examined orally concerning his property, before the court itself or before a commissioner to be named in said order, at such time and place as the court or commissioner may appoint. The attendance of the debtor for the purposes of such examination may be enforced by said court by subpoena and attachment, as in the case of other witnesses.

SECTION II. The judgment debtor may be compelled in the same manner as other witnesses in judicial proceedings, to answer all pertinent questions addressed to him at such examination concerning his property; and he shall not be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter or thing concerning which he may testify or produce evidence, documentary or otherwise, before said court or commissioner, except for perjury in giving such testimony.

SECTION III. The examination shall be taken stenographically, reduced to writing, and filed among the records of the case. All expenses of the examination shall be paid by the plaintiff in

the first instance, and shall be taxed as costs and collectible from the defendant in the same manner as other costs in the case, if it be ascertained thereby that the defendant has property which can be made liable for said judgment.

Two years ago there was also referred to your Committee the following resolution (Report of 1909, page 303):

"Resolved, That the Committee on Law Reform be requested to consider the advisability of recommending an Act of Assembly authorizing the Courts of Common Pleas to strike off on rule or motion a mechanics' lien filed in violation of a written agreement containing a waiver of the right to file the lien, which agreement was duly executed and filed of record in accordance with the requirements of the Act of Assembly."

Last year we reported thereon as follows (pages 62-3):

"That resolution grew out of the decision in

*Burger v. S. R. Moss Cigar Co., 225 Pa. 400
(1909)*

reversing the Court of Common Pleas of Lancaster County in the same case,—26 Lancaster Law Review, 89—for striking off the lien. The right to strike off under such circumstances upon proper petition filed, is expressly given by Section 23 of the Act of 4th June, 1901, P. L. 442-3, which was not referred to in the opinion of the Court below or of the Supreme Court, or in the paper book of either party, nor in any of the cases cited in any of those opinions or paper books. It would be idle to repeat the language of Section 23 in another statute. Doubtless the Supreme Court would have decided differently had their attention been called to that section. Certainly the Court below would not have had to argue so extensively that it had the right, had it known that that right was expressly given by the statute under which the lien was filed."

Being advised, however, that the exact point which that resolution was intended to provide for was pending in the Supreme Court, the attention of which had been

called to the provisions of Section 23 of the Mechanics' Lien Law, the matter was by resolution (page 251) left in the hands of your Committee for further consideration and report.

Later on a majority of the Supreme Court, notwithstanding said section, in

Hiestand v. Keath, 229 Pa. 149 (1910)

adhered to the conclusion announced in *Burger vs. S. R. Moss Co.*, *supra*. The conclusion thus reached ought to be remedied by legislation, because it unnecessarily postpones an inevitable result, congests trial lists with causes raising no real issues, and prevents other litigants, with real questions to be decided, from having their cases considered at as early a date as they should be.

In preparing an Act upon the point, we deemed it wise not to make it as an amendment of the Mechanics' Lien Law, nor to limit it to cases arising thereunder, but to enlarge it so as to cover matters of like mischief. In presenting the proposed Act for your approval, we desire to acknowledge our indebtedness to Judge LANDIS of Lancaster County for assistance in relation thereto. The Act is as follows:

AN ACT

PRESCRIBING THE PRACTICE IN CASES WHERE THE RIGHT TO HAVE OR MAINTAIN A MECHANICS' LIEN, MUNICIPAL CLAIM, VERDICT OR JUDGMENT HAS BEEN WAIVED, RELEASED OR DISCHARGED, EITHER ALTOGETHER OR AS TO SPECIFIED LAND, BY AN AGREEMENT TO THAT EFFECT, BY A JUDICIAL SALE, OR BY THE ORDER, JUDGMENT OR DECREE OF A COURT OF COMPETENT JURISDICTION; OR HAS BEEN LOST BY LAPSE OF TIME OR BY FAILURE TO COMPLY WITH SOME STATUTORY PROVISION IN REGARD THERETO, WHETHER BEFORE OR AFTER THE FILING OR ENTRY THEREOF.

SECTION 1. Be it enacted &c., That the defendant in any mechanics' lien, municipal claim, verdict or judgment, or any other person interested in land which has been or is bound by the lien

thereof, may file his petition, under oath or affirmation, in the court in which said lien, claim, verdict or judgment is filed or entered, setting forth his interest, and that the right to have or maintain said lien, claim, verdict or judgment has been waived, released or discharged, either altogether or as to specified land, by an agreement to that effect, by a judicial sale, or by the order, judgment or decree of a court of competent jurisdiction, or has been lost by lapse of time, or by failure to comply with some statutory provision in regard thereto, before or after the filing or entry thereof; whereupon the court shall grant a rule upon the plaintiff to show cause why an order should not be made in accordance with the prayer of said petition. Said rule shall be made returnable at such time as the court shall direct, not less, however, than one week thereafter, and shall be served upon the plaintiff or his counsel of record if either are within the jurisdiction of the court, and if not then by advertisement once a week for two weeks before the return day in two daily newspapers of general circulation, and in the legal periodical, if any, which shall have been theretofore designated by the court for the publication of legal advertisements. The plaintiff may reply to said rule by an answer under oath or affirmation, expressly admitting, denying or qualifying each of the averments of the petition. If after the return day of said rule it shall appear to the court, upon consideration of the undisputed facts, that the petitioner is entitled to relief, it shall strike from the record the said mechanics' lien, municipal claim, verdict or judgment, or direct the same to be satisfied, or shall make such order in the premises as the facts shall warrant: Provided, however, that nothing herein contained shall be so construed as to prevent the said court from allowing amendments and withholding a decision on the said rule in the meantime; and provided further that an appeal may be taken from the decision of said court to the Supreme or Superior Court, at the appropriate time therefor, as in other cases.

There was also referred to your Committee last year, the following resolution (page 333):

"Resolved, That the Committee on Law Reform be requested to consider and report upon the advisability of amending the Replevin Act of 1901, so that in Landlord and Tenant and other cases the issues may be defined in the pleadings."

It having been held in

Drumgoole v. Lyle, 30 Pa. Super. Ct. 463
(1906)

that the Act of 1901 covers landlord and tenant cases, it is evident that the purpose of that Act to obtain by the pleadings a real issue, if there is one, and a summary judgment if there is not, has been frustrated by reason of the fact that the last pleading provided for therein is an affidavit of defence. In landlord and tenant cases, the tenant as plaintiff simply declares that the property is his; the landlord, as defendant, in his affidavit of defence, says that he took it as and for a distraint for rent due; and as that is the end of the pleadings it is not known what reply, if any, the tenant has to the landlord's claim.

There are also other cases, like bailments, wherein the same difficulty arises. The bailor takes; the bailee replevies and avers the goods are his; the bailor in his affidavit of defence says that the bailee only held conditionally under a written agreement which he attaches, and that the condition was broken; and the record fails to show what reply, if any, there is to that claim.

For that state of affairs a remedy is needed, and your Committee, therefore, present for your approval the following Act:

AN ACT

SUPPLEMENTARY TO AN ACT ENTITLED "AN ACT RELATING TO REPLEVIN AND REGULATING THE PRACTICE IN CASES WHERE THE WRIT OF REPLEVIN IS ISSUED" PROVIDING FOR FURTHER PLEADINGS AND PROCEEDINGS THEREIN.

SECTION 1. Be it enacted &c., That the Act entitled "An Act relating to replevin and regulating the practice in cases where the writ of replevin is issued" approved April 19, 1901, P. L. 88, be and the same is hereby supplemented as follows:

Whenever a replevin is issued to recover possession of goods and chattels, and the defendant in his affidavit of defence specifically

sets forth the reasons why he is entitled to the possession thereof as against the plaintiff, he may rule the plaintiff to reply thereto within the time prescribed for pleadings in other cases. Plaintiffs reply shall be under oath specifically admitting, denying or qualifying each of the allegations of the affidavit of defence, and those not specifically denied or qualified shall be taken as admitted. The declaration, affidavit of defence and reply, if any, as originally filed or as amended by leave of court, shall constitute the issues under which, without other pleadings, the case shall be tried. Defendant may also enter a rule for judgment upon the declaration, affidavit of defence and reply, if any be filed, either with or without leave to proceed to trial in regard to the material matters of dispute, if any, appearing in said pleadings. Upon the hearing of such rule the court shall enter such judgment as the facts shall warrant, and the party against whom it is entered may appeal to the Supreme or Superior Court at the appropriate time therefor as in other cases.

There was also referred to your Committee for consideration (page 334) the question as to whether or not it would be wise to draft and urge the passage of a Bill making it mandatory upon the judges of the Courts of Quarter Sessions, &c., to appoint stenographers to report all the trials in said courts.

Inasmuch as Mr. Abbott, who presented that resolution, has induced the legislature, of which he is a member, to pass an Act upon the subject, and the Governor to approve it (Act No. 114, dated May 5th, 1911), there is nothing left for your Committee to do, except to ask to be discharged from further consideration of the subject.

Your Committee, following the usual custom, caused to be presented to the legislature, the various proposed acts heretofore approved by the Association, and not theretofore enacted into laws; with the following result:

"An act relating to mortgages, their acknowledgment, validity and record, and the effect thereof" (Report of 1903, page 53) was again presented by Senator Francis S. McIlhenny; but those more interested in having political

employees transcribing useless words into the Mortgage Books of the Recorder of Deeds offices than in the saving of unnecessary expense, refused to allow it to be reported out of committee.

"An act forbidding domestic and foreign corporations authorized to receive deposits, to execute trusts, or to act in a fiduciary capacity, from becoming security for the performance of any duty or obligation by any person or public officer, except for executors, administrators, receivers, sequestrators, guardians, or trustees, appointed by or directly answerable to a State or Federal court of record, and authorizing corporations having power to and wishing to continue the general surety business to surrender all other powers conferred upon them by law" (Report of 1906, page 75) was again presented by Senator Ernest L. Tustin, but those more interested in getting trust companies to become their sureties than in protecting depositors and *cestui que trustent*, refused to allow it to be reported out of committee.

"An act requiring bills and answers in equity to be sworn to, and abolishing the rule that the averments of a responsive answer must be overcome by the testimony of two witnesses, or of one witness sustained by corroborating circumstances equivalent to the testimony of another witness in order to entitle plaintiff to a decree," (Report of 1907, pages 47 and 48), was presented to the House of Representatives by Representative Milton W. Shreve, was favorably reported out of Committee and passed three readings. For some reason, which your Committee could not learn, it remained from April 12, 1911, until the adjournment of the Legislature on May 25, 1911, on the House Calendar for "bills on final passage" or for "bills on final passage postponed for the present." It progressed no further.

"An Act to authorize the chief justice or acting chief justice of the Supreme Court under certain circumstances.

to designate a judge of one judicial district to sit temporarily in another district, with like effect as if duly elected thereto, requiring compliance therewith, and providing for his travelling and other expenses while performing such additional duties" (Report of 1907, pages 50 and 51), was presented by Representative Daniel J. Shern and duly referred to the Judiciary General Committee of the House. It then appeared that another Act, dealing with the same subject, but in a somewhat different way, had been presented to and passed the Senate and was likely also to pass the House. It was deemed wise, therefore, not to press our proposed Act, but to allow Senator Tustin's Act to pass, and be given a fair trial, so as to determine whether or not it did meet the difficulty which the Association desired remedied. That Act did pass and was approved by the Governor as Act No. 93, on April 27, 1911.

"An act to authorize the Supreme Court from time to time to adopt and promulgate general rules of practice for all the courts of record of one kind in this Commonwealth" (Report of 1909, page 64), was presented to the House by Representative V. Gilpin Robinson, and passed that body. In the Senate it was taken charge of by Senator Ernest L. Tustin, passed by the Senate on two readings, was defeated on third reading, reconsidered and referred back to the Judiciary General Committee of the Senate. Inquiry developed the fact that it was opposed by certain persons in whose judgment the Senators professed to have confidence, but whose names they would not disclose. Nothing further was done with it.

"An act relating to elections to take under or against the wills of decedents, to the recording thereof, and of final decrees where parties have failed or refused to elect when required so to do, and forbidding payments to such parties until they have made and filed their elections," (Report of 1910, page 57), was taken charge of in the House by Rep-

representative Herman L. Hecht and in the Senate by Senator Samuel W. Salus, passed both bodies and was approved by the Governor as Act No. 75, on April 21, 1911.

"An act relating to the time and manner of taking exceptions in any case in any court of record in this Commonwealth, to the effect thereof, to transcribing the evidence taken upon the trial of any case, to the correction and perfection of such transcript for the purposes of review, and providing that exceptions need not be taken where the decision of the court appears upon the record" (Report of 1910, pages 59, 60 and 61), was taken charge of in the House by Representative Joseph A. Schofield, and in the Senate by Senator John E. Fox, passed both those bodies, and was approved by the Governor as Act No. 179, on May 11, 1911.

ALEX. SIMPSON, JR.,
Chairman.

WALTER GEORGE SMITH, Philadelphia: I move that the Report of the Committee on Law Reform be received, and taken up in its usual order.

Duly seconded, and agreed to.

THE PRESIDENT: The next in order is the Report on Legal Education.

JAMES M. LAMBERTON, *Chairman*, Dauphin, then read the

REPORT OF THE COMMITTEE ON LEGAL EDUCATION

To the President and Members of the Pennsylvania Bar Association:

The By-laws of this Association, which were adopted at its organization in 1895, and which remain unchanged, make it the duty of the Committee on Legal Education to

"report from time to time such changes as they shall deem it is expedient to make in the system of legal education and of admission to the practice of law in the State."

Owing to the activity of this Association, which activity in this regard, it may be truly said, took its initiative from the admirable paper, read at the first annual meeting of the Association at Bedford Springs in 1895, by the immediate predecessor of the writer in the Chairmanship of the Committee on Legal Education, George Wharton Pepper, Esq., and owing very largely to the indefatigable efforts of Robert Snodgrass, Esq., who served as the Chairman of the Committee on Legal Education from its first appointment until he became President of the Association in 1907, and to those of Mr. Pepper, who served as the Secretary of that Committee until he succeeded Mr. Snodgrass as its Chairman, a most excellent "system of legal education," certainly so far as admission to the Bar of the Supreme Court is concerned, has been established and developed in this Commonwealth, so that there seems to be little for this Committee to suggest in this regard.

By permission of Mr. Chief Justice Fell, and through the courtesy of Charles L. McKeehan, Esq., Secretary of the State Board of Law Examiners, we give the following amendments in the "Rules Concerning Admission to the Bar of the Supreme Court of Pennsylvania," which are now under consideration by the Court, and, perhaps with some slight change, will be included in an order to be handed down at the next meeting of the Court, on July 6th:

RULE IV. Insert in first paragraph "and shall have received an academic degree from some college or university, approved for that purpose by the Board or," so that it shall read:

"No person shall be registered as a student at law for the purpose of becoming entitled to admission to the Bar-

of the Supreme Court until he shall have satisfied the State Board of Law Examiners that he is of good moral character, *and shall have received an academic degree from some college or university approved for that purpose by the Board* or shall have passed a preliminary examination upon the following subjects."

In the second paragraph, change the fee from twenty to twenty-five dollars, and omit the last sentence which reads: "Said Prothonotary shall thereupon immediately certify such registration to the Secretary of the Board of Law Examiners."

RULE VII. Omit "Harrisburg," "Williamsport" and "Wilkes-Barre," so that the examinations shall be held only in Philadelphia and Pittsburgh.

RULE VIII. Amend that part of the rule which reads: "The Board may, with the approval of the Court, appoint assistants to aid in securing compliance with the conditions preliminary to registration and examination, to superintend the conduct of the candidates, and to make a preliminary report upon the answers of the candidates; but the members of the Board shall be responsible to the Court for the enforcement of these rules, and the proper ascertainment of the results of the examinations, and no student shall be rejected except by a majority of the State Board of Law Examiners. The Board shall also have power to appoint a Secretary and a Treasurer, or the same person may hold both offices, and they may pay to each assistant examiner, and to the Secretary and Treasurer, out of the fees received, and after deduction of the necessary expenses, a reasonable compensation." so that it shall read: "The Board may, with the approval of the Court, appoint *examiners to superintend the conduct of the examinations, and to report upon the answers of the candidates*, but the members of the Board shall be responsible to the Court for

the enforcement of these rules and the proper ascertainment of the results of the examinations. The Board *may also, with the approval of the Court*, appoint a Secretary and a Treasurer, or the same person may hold both offices, and they may pay to each *Examiner* and to the Secretary and Treasurer out of the fees received, and after deduction of the necessary expenses, a reasonable compensation."

Add at the end of the Rule: "All applications for a suspension of the rules of Court in particular cases shall be first made to the State Board of Law Examiners."

These amendments are now in force temporarily.

The first amendment to Rule IV, if made, will impose upon the State Board the difficult, and, in view of the results heretofore obtained it would seem, unnecessary task of deciding from what colleges and universities academic degrees shall be accepted.

Indeed, considering the admirable results which have been secured in the past by the present Rules, it would be interesting to know why these amendments have been proposed, and what is sought to be accomplished thereby.

With regard to the subject of "admission to the practice of law in the State," the first judicial construction of the Act of May 8, 1909, P. L. 475, which relates to that subject, was in the case of *Street vs. Maynard*, reported in 19 District Reports, p. 630. This act provides in Section 1, "that admission now had or that may hereafter be had to practice as an attorney-at-law in the Supreme Court of this Commonwealth shall of itself, without more, operate as an admission of such attorney as an attorney-at-law in every other court of this Commonwealth, without any other or further action by such other courts or by such attorney;" in Section 2, "that disbarment or suspension of any attorney-at-law by the Supreme Court of this Commonwealth shall of itself, without more, operate as a disbarment or suspension of such attorney as an

attorney-at-law in every other court of this Commonwealth, without any other or further proceedings being required to be had in such other court;" and in Section 3 "that all acts or parts of acts inconsistent herewith are hereby repealed."

The case of *Street vs. Maynard* arose in Susquehanna County, and the Court (Little, P. J.) in an opinion filed July 5, 1910, after stating that the case of *Splane's Petition*, 123 Pa. 527, "clearly decides that the admission of attorneys to the practice of the law is judicial and not subject to legislation," held that the Act of May 8, 1909, "may be disregarded by the Courts, and is void and of no effect."

No appeal was taken, but the same act came before the Beaver County Court for consideration, and the Court there (Holt, P. J.) also held the act unconstitutional, whereupon an appeal was taken to the Supreme Court, which rendered, on May 1, 1911, the following opinion, not yet reported, in the case of *Charles Hoopes vs. Charles W. Bradshaw, Prothonotary of Beaver County* (No. 201, October Term, 1910, Western District of Pennsylvania), Mr. Justice Brown speaking for the Court (Friday, May 1, 1911):

The appellant, a member of the bar of Allegheny County courts and of this court, in good standing, presented his praecipe to the prothonotary of the court of common pleas of the court below for his appearance for the defendant in a certain proceeding therein pending. With his praecipe he exhibited a certificate of his admission on October 5, 1905, as a practitioner before this court. The prothonotary having refused to accept the praecipe and to recognize the appellant as a member of the bar of Beaver County, he applied to the court below for a mandamus directing that officer to do so. He based his application for the writ upon the Act of May 8, 1909, P. L. 475, which provides that admission "to practice as an attorney-at-law in the Supreme Court of this Commonwealth shall of itself, without more, operate as an admission of such attorney as an attorney-at-law in every other court of this Commonwealth without any other or further

action by such other courts or by said attorney." The writ was denied because in the judgment of the court below the act of 1909 was an unconstitutional interference by the legislature with a purely judicial function.

Nothing is clearer in the constitution than the separation of the legislative and judicial branches of our State government. Neither possesses the power of the other and any power inherent in the one cannot be exercised by the other. Judicial powers and functions are to be exercised by the judiciary alone and a century ago in *Commonwealth ex rel. Brackenridge vs. The Judges*, 1 S. & R. 186, it was held that the admission of an attorney to practice before a Court is a judicial act. This has never been doubted or questioned since, and, if the act of 1909 is an encroachment upon the judiciary it must be a vain attempt upon [*sic*] the legislature to exercise a power which it does not possess. The learned court below being of opinion from what was said in *Splane's Case*, 123 Pa. 527, that the act was such an encroachment, pronounced it null and void.

What this court had before it in *Splane's Case* was the Act of May 19, 1887, P. L. 131, which provided that any attorney-at-law admitted to practice in any court of common pleas and in the Supreme Court of this Commonwealth should be admitted to practice in any other court of the Commonwealth upon motion simply by exhibiting to the court a certificate of admission to the Supreme Court and filing a certificate of the presiding judge of the county or district from which he came, setting forth that he was of reputable professional standing and of unobjectionable character. The question of the constitutionality of the act was not raised, and the mandamus for which Splane applied was refused because he had not complied with its provisions. The question before the court, as stated in the opinion denying the writ was, "Whether the petitioner after having twice presented himself before the duly constituted board of examiners and having been twice rejected by them as not properly qualified to practice law, can, by procuring his admission in another county, aided by the act of assembly compel his admission in the court where he has been rejected for incompetency." Upon two occasions Splane had been before the board of examiners of the county and in each instance had been rejected as not being properly qualified to practice as an attorney. Subsequently he was admitted to practice in the court of common pleas of Cambria County, but it did not appear that he had ever resided or practiced in that

county or that he was even a citizen of the State. It was further discovered that the order admitting him to practice in this court had been improvidently made. The reason for denying him the writ is thus given in the opinion of the court: "He has not complied with it (act of 1887), for the reason that it requires a certificate of the 'presiding judge of the county from whence he came setting forth that he is of reputable professional standing,' etc. This plainly means the certificate of the judge of the county where he has lived and practiced law, who is presumed to know his qualifications in that regard and who can truly and intelligently certify to his good character. A lawyer may chance to be a member of the bar of half the counties in the State; he may be admitted in a county other than the one in which he resides for the mere purpose of trying a single case. It is the merest evasion of the act to present the certificate of the judge of a district where the petitioner has not lived and practiced and an admission to the bar obtained by such means might well be vacated by the judge who should inadvertently grant it, as a fraud upon the court." After refusing the writ, for the reason stated, Chief Justice Paxson, in digressing, said in characteristically vigorous language, that the act of 1887 was an encroachment upon the judiciary department of the government, but as that question had not been raised and counsel had not been heard upon it, what was said of the unconstitutionality of the act is to be recorded as *obiter dictum*, and we now pass upon the constitutionality of the act of 1909 as a new one.

Is the act of 1909 an attempt by the legislature to usurp judicial power, or does it in any manner interfere with the exercise of judicial functions? In its first words it recognizes the admission of an attorney to practice in the highest court of the commonwealth as a judicial act, and does not attempt to interfere with that court's power in the performance of that act. The question then resolves itself into this, may the legislature say what effect is to be given to an order or decree of this court in the matter of admitting attorneys to practice before it?

By section 3, article V of the constitution, the jurisdiction of this court extends over the entire commonwealth, and, by appeal or *certiorari*, the proceedings of every district court of record, as well as those of the superior court, can be here reviewed. By the Act of May 22, 1722, its powers are those possessed by "the court of King's Bench"—the supreme court of common law in England—"Common Pleas and exchequer, at Westminster, or any

of them." It was not, therefore, an unwarranted assumption on the part of the legislature that qualifications which fit an attorney-at-law to practice before the supreme court of the state ought to fit him to do so in every other court within it; but what may have induced the legislature to act is not important. The sole question is, did it have the power to act as it did? Having first distinctly recognized the performance of the judicial act by this court what follows is but a legislative enactment as to the force and effect to be given to it by the lower courts. For nearly seventy years similar legislation has been recognized, without a suggestion from anyone of its being an encroachment upon the powers and functions of the judiciary. The adoption of rules of court regulating practice therein is certainly as much a judicial function, with which the legislature may not interfere, as is the admission of attorneys, and yet, from the time of the passage of the Act of June 16, 1836, requiring all courts of common pleas in the commonwealth, sitting as courts of equity, to be bound by the rules of practice as adopted by this court, no one has ever heard that such legislation was an encroachment upon the judiciary. And it was not, for it merely declared what effect shall be given to the rules and orders of this court, which it had the inherent power to make independently of the legislative branch of the government. This is practically the situation before us. All that the act of 1909 does is to declare what effect is to be given to the purely judicial act of this court in directing the admission of an attorney-at-law to practice before it. The act neither encroaches upon nor interferes with the power exercisable by the judiciary alone, but declares that when such power has been exercised by the highest judiciary of the state, in passing upon the qualifications of an applicant to practice as an attorney before it, its act in admitting him to its bar is to be duly recognized by all the other courts over whose proceedings it has constant supervision. But while this is so, there are certain functions of the lower courts with which the act of 1909 does not interfere. The honest disposition and good moral character possessed by one at the time of his admission to the bar of this court may be subsequently lost, and, if so, the certificate of his admission here will not be a voucher for his integrity before any court to which he may apply for admission under the act of 1909. The loss of his integrity may not have been inquired into here, but if lost, he has no more right under the act of 1909 to seek membership in a county bar than he has to ask that his

name shall continue upon the roll of practicing attorneys before this court; and any court may, therefore, refuse to admit to its bar a member of a bar of this court upon being duly informed that he no longer possesses "an honest disposition," declared by the Act of April 14, 1834, to be one of the two requisites for admission to the bar of every court of record. Another function of the court below, not interfered with by the act and which it may be well to notice, is its power to adopt rules relating to the service of notices or papers upon non-resident practitioners. When the act of 1909 is invoked by one who does not intend to reside or establish an office in the county to whose courts he would be admitted he is not to expect practitioners residing in the county, or having established offices within it, to be subjected to annoyance and inconvenience in the service of rules or notices upon him, and the adoption of a rule as to this continues to be within the power of the court. For the reasons stated we cannot regard the act of 1909 as an unconstitutional interference with the exercise of a judicial function. The judgment is, therefore, reversed and the record remitted with directions that the mandamus issue as prayed for.

In this connection, attention is called to Sections 68 and 69 of the Act of April 14, 1834, P. L. 354:

"Section 68. The judges of the several courts of record of this Commonwealth shall respectively have power to admit a competent number of persons of an honest disposition, and learned in the law, to practice as attorneys in their respective courts.

"Section 69. Before any attorney, admitted as aforesaid, shall make any plea at the bar, except in his own case, he shall take an oath or affirmation, as follows, viz.:

"You do swear (or affirm) that you will support the constitution of the United States and the constitution of this Commonwealth, and that you will behave yourself in the office of attorney within this Court, according to the best of your learning and ability, and with all good fidelity, as well to the court as to the client, that you will use no falsehood, nor delay any person's cause for lucre or malice."

It will be observed that when one is admitted to the Supreme Court, his oath binds him only as to his behavior within "this Court," *i. e.* the Supreme Court.

It is to be regretted that, while efforts have been made by members of the profession, with the assistance of the Judges of the lower Courts, to put up barriers that will keep out those not worthy to be admitted, the Supreme Court of the State should seem, instead of helping this very laudable undertaking, to be assisting in pulling down such bars.

It will be thought by most members of the Bar, that the judgment of Mr. Chief Justice Paxson was right, when, referring to the question, whether it was desirable that the power to admit to the Bar be taken from the inferior Courts and lodged in the Courts of last resort, he said, "I consider it extremely desirable that the subject be left in the control of the inferior Courts, by which I mean Courts of record who are most familiar with the needs of their communities and of the personal fitness of applicants." *Reports of Am. Bar Assn.*, Vol. XIV, p. 307; *First Annual Report, Pa. Bar Assn.*, p. 122.

It would seem to be manifest that it is impossible for the Justices of the Supreme Court to be familiar with "the personal fitness of applicants." Under the present rules as amended and under the decision given above, a great added responsibility is cast upon the State Board of Law Examiners, and there will be much interest to see what course they will pursue.

It may be noted here that, at the recent session of the Legislature, the Snyder bill passed in the Senate but failed to pass in the House. This bill provided in the first Section, that "from and after the passage of this act, no person shall be eligible to the office of District Attorney of any county within this Commonwealth who has not been admitted and qualified to practice in the Supreme and Su-

perior Courts of this Commonwealth, provided, that this act shall not apply to Counties having a population of one hundred and twenty-five thousand or less." By the second Section, "acts and parts of acts inconsistent" were repealed.

In connection with the Committee's report last year (pages 67-69, Vol. XVI), it may be said that the seeming omission of eleven Counties from the schedule is to be explained (the explanation may have already suggested itself), by the fact that where a judicial district is composed of two or more Counties, only the first named County in the district is entered in the schedule.

The recommendation of the Chairman and the Secretary of this Committee, to whom, with the Chairman and the Secretary of the Committee on Legal Biography, was referred by the Executive Committee of our Association at its mid-winter meeting, a communication from the Librarian of the Law Association of Philadelphia, asking the co-operation of this Association in keeping up to date the Rules of Court of the various Counties in Pennsylvania in the Law Library in the City Hall, will be found in the report of the Committee on Legal Biography.

Respectfully submitted,

JAMES M. LAMBERTON,

WILLIAM H. KELLER,

Chairman.

Secretary.

THE PRESIDENT: You have heard the report what shall be done with it?

CHARLES F. HAGER, Lancaster: I move that the report be received and filed, and the consideration thereof taken up in its order.

Duly seconded, and agreed to.

THE PRESIDENT: The next is the report of the Committee on Legal Biography.

EDWARD W. BIDDLE, *Chairman*, Cumberland: The report is as usual printed, and copies have been distributed among the members who are present. We make the usual recommendation of thanks to the University of Pennsylvania for the use of room for storing our historical collection, and also a recommendation of a resolution in connection with the request of the Librarian of the Law Association of Philadelphia asking the co-operation of this Association in keeping up to date the Rules of Court of the various counties in Pennsylvania on file in the Law Library.

REPORT OF THE COMMITTEE ON LEGAL BIOGRAPHY

To the President and Members of the Pennsylvania Bar Association:

GENTLEMEN:—No passing year is without its own special events that mark it distinctively from its predecessors. The ordinary happenings, year by year, are the expected and not unusual experiences that follow in the history of similar organizations, embracing as large a membership and taking in as wide a circle as an entire State. But there are some relations that we sustain to the profession outside the State, and specially in our relation to the Federal Bench, which demand our attention. In that respect we note, as do the Bar Associations of our sister States, the loss since our last meeting, of the head of the

UNITED STATES SUPREME COURT

in the death of Chief Justice Melville W. Fuller, who occupied that position longer than any of his predecessors excepting Marshall and Taney. They served, in the order

of their naming, thirty-two (32) years and twenty-eight (28) years respectively, and he served twenty-two (22) years. And while no great constructive work like that of Marshall, or reconstructive, as that which fell to the lot of Chase and Waite, came within his period of service, yet no greater economic interests in the magnitude of their financial and business importance were passed upon by his predecessors than those that came before his Court during his term. The personnel of the entire Court, with the exception of Mr. Justice Harlan, was changed while he was presiding, so that the late Chief Justice saw all the members of the Court that were on the Bench when he came upon it, pass off by death or resignation during his term of service. He was born February 11, 1833, and died July 4, 1910. His successor, Mr. Chief Justice Edward Douglass White, was appointed Associate Justice of that Court in 1894, and is the first Associate Justice in its history appointed from active service on that Bench to accept and serve as Chief Justice. The Court as now constituted consists of Chief Justice White and Associate Justices Harlan, McKenna, Holmes, Day, Lurton, Hughes, Lamar and Van Devanter.

COMMERCE COURT

Under the amendment of the Interstate Commerce Act, June 18, 1910, creating the new Commerce Court, consisting of five additional Circuit Judges, one of the members of our Association, Hon. Robert W. Archbald, has been appointed to that Bench. In 1901 he was appointed to the United States District Court for the Middle District of Pennsylvania, and on December 12, 1910, was nominated additional Circuit Judge and assigned to duty in the new Commerce Court. He was sworn into office February 1, 1911.

UNITED STATES DISTRICT COURT

The vacancy in the Federal District Judgeship for the Middle District of Pennsylvania was filled by the appointment of Hon. C. B. Witmer, of the Bar of Sunbury.

STATE JUDICIARY

In the record of deaths among the members of our profession in Pennsylvania appear the names of Ex-Judges Biddle, of Philadelphia, Halsey and Lynch, of Luzerne, and Krebs and Gordon, of Clearfield, Miley, of Lebanon, and Love, of Centre, all of whom had rendered acceptable service upon the Bench. Judge Biddle's services covered nearly the third of a century. He was appointed by Governor Hartranft to fill the vacancy caused by the election of Judge Paxson to the Supreme Court in 1874, and served until his resignation in 1908.

HISTORY OF DECEASED MEMBERS OF THE BAR

This year we record the names of seventy (70) members of our profession throughout the State that have died since our last annual meeting. Endeavoring, as we do, to keep a record of all deaths of our professional brethren in each judicial district, irrespective of their membership in our Association, notices and requests are sent out twice each year to all the members of our Committee, and the responses received from them furnish us with data for our report. Fortunately, a number of the districts reported "no deaths during the year." Among those we have had to record are some whose names and services were conspicuous for a number of years as able and worthy representatives of the Bar. The limitations of our report do not permit us, though often tempted, to comment upon the fine equipment as well as attainment of many of our deceased brethren, yet we sometimes feel that, as a profession, we are in danger of lessening that respect and regard for its required stand-

ing, by not emphasizing more than we do, and reporting at greater length the fine results of the persistent intellectual training so faithfully and consistently carried out through a successful and diligent professional career.

MEMBERSHIP OF THE COMMITTEE

The membership of the Committee comprises a representation from every judicial district (fifty-six) within the State. By their prompt attention much valuable data of an historical character can be secured for the benefit of the Association. From one district a number of biographical sketches have been furnished of former members of the profession of that district; but in as much as our reports are confined to the current year from one annual meeting to another, the death of *John C. Love* (49th Judicial District, Centre) in May 1910, is merely mentioned here, and attention called to a full and interesting sketch of his life at the Bar and upon the Bench which was prepared by Judge Beaver of the Superior Court (who has sent in a number of biographies of the Bar of that district) and is filed among the records of our Centre County collection.

COURT BUILDINGS

There have been donated to the Association photographs of the court buildings of the following counties:

Luzerne, by S. J. Strauss, Esq.

Lackawanna, by S. J. Strauss, Esq.

Northampton, by Hon. Russell C. Stewart.

Westmoreland, by Hon. Lucien W. Doty.

A short History of the Judiciary of Franklin County was presented by Hon. W. Rush Gillan.

We have now pictures of forty-one (41) of the sixty-seven (67) county court buildings of the State, and by very little effort on the part of the members this valuable and unique collection could be completed.

REQUEST FROM THE EXECUTIVE COMMITTEE

At the mid-winter meeting of the Executive Committee of our Association, held in Pittsburgh, December 29, 1910, there was referred to the Chairmen and Secretaries of the Committees on Legal Education and Legal Biography, a communication from the Librarian of the Law Association of Philadelphia, asking the co-operation of this Association in keeping up to date the Rules of Court of the various counties in Pennsylvania on file in the law library in the City Hall; these to be for the use and convenience of the Bar of the entire State.

After due consideration and consultation, the persons to whom said communication was referred respectfully recommend the passage of the following resolution:

Resolved, That the Committee on Legal Education be requested to furnish yearly at the time of our annual meeting, to the Law Association of Philadelphia, to be placed in its library for the use and convenience of the Bar of the State, the additions and amendments made during the preceding year to the Rules of Court of those counties of the State whose Rules are on file in said library; and also, upon request, to perform a similar service for the proper library in each of the other cities where the Appellate Courts, or either of them, sit to hear arguments.

APPROPRIATION

At our meeting a year ago an appropriation not to exceed seven hundred and fifty dollars (\$750) was made for the year. Commencing the year with the balance from last year of \$13.08
together with interest of 4.06
and the receipt of 600.00
during the year, amounting in all to \$617.14
your Committee reports expenditures of 614.92
leaving a balance of \$2.22
and asks for an appropriation for the coming year
of a sum not exceeding \$750.00

The room of our historical collection in the Law School Building of the University of Pennsylvania has been kept open during the winter months by Mr. Nelson P. Fegley, a law student recommended by the Dean of the Law Department. As the University of Pennsylvania has extended the same privileges to the Association as heretofore, your Committee recommends the following acknowledgment of their continued kindness:

Resolved, That the thanks of the Pennsylvania Bar Association are hereby extended to the Provost and Trustees of the University of Pennsylvania, and to the Dean and Faculty of the Law Department, for the courtesy extended the Committee on Legal Biography in giving the use of a room for its historical collection.

Respectfully submitted,

EDWARD W. BIDDLE,
<i>Chairman.</i>
T. ELLIOTT PATTERSON,
<i>Secretary.</i>

HISTORY OF DECEASED MEMBERS OF THE BAR

ARRANGED IN ALPHABETICAL ORDER, WITH JUDICIAL
DISTRICT AND COUNTY IN PARENTHESES

Anders, Jacob H. (1st J. D., Philadelphia), born 1833; died June 17, 1911. Admitted to the Bar October 13, 1866.

He graduated from the Law Department of the University of Pennsylvania in 1864.

Anderson, William C. (5th J. D., Allegheny), born 1850; died November 25, 1910. Admitted to the Bar July 15, 1876.

Mr. Anderson graduated from Lafayette College and the Yale Law School. He was the author of "Rules of the Court of Pennsylvania," and his "Law Dictionary" is used as a standard work throughout the United States.

Andre, John K. (1st J. D., Philadelphia), born 1849; died June 10, 1911. Admitted to the Bar February 2, 1878.

Educated at the Millersville State Normal School. Mr. Andre was associated in the practice of the law for many years with Senator Henry F. Walton. He was a member of the State Bar Association.

Arundel, Robert J. (1st J. D., Philadelphia), born 1839; died April 28, 1911. Admitted to the Bar December 1, 1862.

Ashhurst, Richard Lewis (1st J. D., Philadelphia), born February 5, 1838; died February , 1911. Admitted to the Bar June 8, 1859.

He graduated from the University of Pennsylvania in 1856 with the highest honors. He read law with William M. Meredith.

"Shortly after the breaking out of the Civil War, Mr. Ashhurst took an active part in raising and organizing the 150th Regiment of Pennsylvania Volunteers, and he went into the service as its adjutant. He served with distinction in many of the battles fought by the Army of the Potomac, to which his regiment was attached, and he was brevetted major for distinguished gallantry at the battle of Gettysburg, where he was severely wounded.

"He afterwards resumed the practice of law and soon attained a leading place in his profession. In the famous Jay Cook bankruptcy he was of counsel for the trustees, and he took a leading part in the litigation growing out of the Reading Railroad receiverships. He thus gained a high reputation for knowledge of corporation and commercial law.

"In 1906 he was appointed postmaster of Philadelphia. He had had no previous experience in administrative duties of this kind, but his versatile talents soon grasped the requirements of the office, and he proved an able and capable

official, so that on the expiration of his four years' term he was reappointed by President Taft.

"Mr. Ashhurst possessed naturally a brilliant intellect, which had been highly cultivated by study and by extensive reading in all branches of literature. He was a lawyer of the old school, whose learning was based on a thorough knowledge of fundamental principles, while his alert and active mind kept him always abreast of the latest expositions of the law, and his remarkable memory enabled him to have his learning at ready command. He was an enthusiastic student of Shakespeare, and at the time of his death was Vice Dean of the Shakespeare Society of Philadelphia. While not a politician, he took a great interest in politics, and was an ardent Republican.

"Mr. Ashhurst was a man of most amiable disposition and cheerful temperament. His kind and sympathetic nature greatly endeared him to all his subordinates, both in public office and private life, and his open-handed generosity was well known.

"In his later years he was a great sufferer, and a severe illness, which occurred last autumn, left him quite feeble and infirm; but he bore his suffering most patiently, and his cheerfulness never abated.

"He had suffered severe bereavement in the untimely death of two sons, one of whom, Roger, had given promise of attaining distinction in his father's profession."

Mr. Ashhurst took an active interest in the Pennsylvania Bar Association, was Vice-President for the year 1896-1897, and at the annual meeting held in June, 1901, read a most interesting and valuable paper on William Morris Meredith, and at the annual meeting held in June, 1906, read an equally interesting and valuable paper on Some Questions of Legal Ethics Suggested by the Life and Career of Lord Chancellor Bacon, Viscount St. Albans.

Atkinson, David Shaw (10th J. D., Westmoreland), born in 1838; died April 7, 1910. Admitted to the Bar 1868.

He was educated at Mount Pleasant College. He was descended from Scotch-Irish ancestry and of Revolutionary stock. He was an able practitioner and was at his best in the trial of a cause and before a jury. His flow of language, perception of the fine points in a case, and his fine delivery, approaching the old-time oratory, made him a formidable opponent. In the past twenty-five years he had been senior counsel in over forty homicide cases, and had also been counsel in many of the leading civil cases. At the time of his death and for a number of years before he was the President of the Westmoreland Law Association.

Bailie, James W. (5th J. D., Allegheny), born 1846; died October 16, 1910. Admitted to the Bar January 5, 1874.

Mr. Bailie was Vice-President of the First National Bank of McKeesport, was an elder of the First Presbyterian Church of McKeesport for more than twenty-five years, and was also a member of the Board of Directors of the McKeesport Hospital.

Bartholomew, Horace B. (21st J. D., Schuylkill), born 1865; died October 24, 1911.

He was a prominent member of the Schuylkill County Bar, and Vice-President of the Pennsylvania National Bank.

Battle, Frank A. (11th J. D., Luzerne), born ;
died May 15, 1910. Admitted to the Bar .

Beresford, Chas. W. (1st J. D., Philadelphia), born 1832; died February 17, 1911. Admitted to the Bar September 25, 1858.

He was a graduate of the Central High School, and read law in the office of Judge Joel Jones.

Biddle, Craig (1st J. D., Philadelphia), born January 10, 1823; died July 26, 1910. Admitted to the Bar, December 2, 1844.

He was a graduate of Princeton College. He was a son of Nicholas Biddle, who was President of the Bank of the United States from 1823 to 1841.

In 1849 he was elected to the Legislature of Pennsylvania. At the outbreak of the Civil War he was tendered the commission of major upon the staff of General Robert Patterson, seeing service in the Valley of the Shenandoah. He was afterwards appointed to the staff of the Governor, in which position he organized a number of regiments for the war. At the close of the war he resumed his law practice, and later served as United States Commissioner. On the resignation of Judge Paxson from the Common Pleas Bench, Governor Hartranft appointed Judge Biddle to fill the vacancy, and in the ensuing fall he was elected for the full term. For sixteen years he was President Judge of Common Pleas No. 1, of Philadelphia. After he left the Bench he was made Prothonotary of Court of Common Pleas in 1907, and rarely missed a day at his office in the City Hall. His country house at Andalusia is a fine old mansion in Colonial style of architecture, and was the home of his father, Nicholas Biddle. It has been in the possession of the Biddle family since 1796. Judge Biddle was greatly thought of by the entire Bar. He was possessed of a keen sense of humor, but he never thrust his wit upon those who could not retaliate or respond if of a mind and disposition to do so. On the Bench and in his intercourse with the Bar he was always fair, honorable and gentlemanly, and commanded the respect of all who were brought in contact with him.

Birch, Thomas Fleming (27th J. D., Washington), born at Claysville, Washington County, Pa., May 18, 1856; and died at Washington, Pa., January 12, 1911.

Mr. Birch received an English education in the public schools of his native town, which he subsequently supplemented by a course in Washington and Jefferson College. He was admitted to the Bar of Washington County on June 14, 1880, and from that time until his death was an active and prominent figure in the courts of Washington County.

Brayton, M. McKnight (23d J. D., Berks), born September 30, 1855; died July 9, 1910, in the 55th year of his age.

Graduated from the Reading High School in 1872, and from Amherst College in 1876, he was admitted to the Berks County Bar November 12, 1878. Relinquishing practice in 1881, he became connected with the Mount Penn Stove Works, a large manufacturing industry, of which he was for many years Secretary and Treasurer, and at the time of his death the President. He was an energetic and successful man of business, and of most exemplary personal character.

Brown, Adam Mercer (5th J. D., Allegheny), born August 3, 1826; died August 17, 1910. Admitted to the Bar June 3, 1853.

Major Brown was a native of Butler County, Pa. During his more than eighty-four years of life, by reason of his ability and integrity, he occupied a prominent place in the legal and political affairs of Pittsburgh. The Allegheny County Bar Association paid tribute to his memory at a largely attended memorial meeting held October 28, 1910. He attended the Butler Academy and later received private instructions in Pittsburgh. He first took up the study of medicine, but after being admitted to practice, took up the study of law. After his admission to the Bar

he was associated with Thomas M. Marshall, Esq., which continued until 1865. In 1869 he formed a partnership with John S. Lambie, Esq., which continued until Mr. Lambie's death. He gained his military title by reason of his connection for many years with the Washington Battalion of the National Guard. Major Brown was a member of the Pittsburgh Select Council for three years, and was Chairman of the Allegheny County Republican Committee, and was a delegate to the National Convention which nominated Abraham Lincoln in 1864 and Grant and Colfax in 1868. He refused to accept a seat on the Allegheny County Bench, and in 1874 also declined a nomination as Mayor of the City of Pittsburgh. In 1873 he was one of the organizers of the Anchor Savings Bank, later becoming its President, which office he held until his death. He was also an officer of the Cash Insurance Company, a director in the Odd Fellows' Savings Bank and a director of the Dispatch Publishing Company. He was an elder in the First United Presbyterian Church for fifty years, and also served as President of the Board of Trustees for many years. Major Brown was appointed to the office of Recorder of the City of Pittsburgh on May 6, 1901, by Governor William A. Stone, and served until November 25, 1901.

Bull, Cornelius (43d J. D., Pike), born _____ ;
died December 7, 1910.

Chase, Thomas Jerome (11th J. D., Luzerne), born May 26, 1844; died September 17, 1910. Admitted to the Bar November 12, 1866.

Codman, George D. (1st J. D., Philadelphia), born _____ ,
1872; died March 21, 1911. Admitted to the Bar in 1897.

He was a graduate of Rugby Academy and of the Law Department of the University of Pennsylvania.

Comfort, John C. (12 J. D., Dauphin), born 1839; died November 17, 1910.

Davis, W. W. H. (7th J. D., Bucks), born July 27, 1820; died December 26, 1910.

After his admission to the Bar he gave further attention to his law studies by taking a course in the Harvard Law School. He served in the Mexican War, and on his return home he began the practice of the law in 1848. In 1853 he was appointed United States District Attorney for New Mexico by President Pierce. He afterwards became Attorney-General, Secretary of the Territory, Governor, Superintendent of Indian Affairs and Superintendent of Public Buildings. While District Attorney he rode the circuit in the spring of 1854, a thousand miles on horseback. Considering his varied and valuable services to the State and nation and the community in which he lived, it is fitting that the following record of his writings should be given.

Of his books that will long perpetuate his memory, the following are given in the order in which they were published: "El Gringo, or New Mexico and Her People," 1856; "History of the 104th Pennsylvania Regiment," 1866; "History of the Hart Family," 1867; "Life of General John Lacey," 18—; "Spanish Conquest of New Mexico," 1869; "History of Bucks County," 1876; "History of Doylestown Guards," 188—; "Life of John Davis," 188—; "The Fries Rebellion," 1898; "History of Bucks County," second edition, revised and enlarged, 2 volumes, 19—; "Doylestown, Old and New," 1904.

Few men have held as many responsible civil and military offices as he, and discharged the duties connected therewith as faithfully.

Deshler, William H. (31st J. D., Lehigh), born 1840; died October 25, 1910. Admitted to the Bar in 1862.

He was one of the oldest and most successful members of the Lehigh County Bar. He was a former Councilman, School Director, and also served as Water Commissioner.

Dettra, Benjamin F. (23d J. D., Berks), born July 4, 1845; died January 27, 1911, in the 66th year of his age.

Attended Washington Hall Collegiate Institute at Trappe, and subsequently taught school in Chester County. During the Civil War he served as a private in Company I, 129th Regiment, Pennsylvania Volunteers. He came to Reading in 1870 and was admitted to the Berks County Bar, April 12, 1875. He was a member of the City Councils, County School and City Solicitor, and member of the Reading Board of Health. He was a most industrious and painstaking lawyer, and had a large practice.

Edwards, Albert J. (5th J. D., Allegheny), born June 16, 1858; died December 10, 1910. Admitted to the Bar June 14, 1890.

Mr. Edwards was a native of Armstrong County, Pa. In 1882 he was appointed Deputy Collector of the Internal Revenue. In 1889 he was appointed Special Agent of the Eleventh Census, and in 1890 was made Assistant Postmaster of Pittsburgh. For nine years he was Assistant District Attorney of Allegheny County. He served several terms in the Pittsburgh Council and was President of the Select branch. He took an active interest in politics and served as President of the Pennsylvania State League of Republican Clubs.

Elliot, Frank S. (1st J. D., Philadelphia), born 1860; died May 19, 1911. Admitted to the Bar June 17, 1882.

Mr. Elliot graduated from Franklin and Marshall College in 1887. He was also a graduate of the Law Depart-

ment of the University of Pennsylvania, and while taking his law course was a registered student in the law firm of Wiltbank & Reed. On his admission to the Bar he entered into partnership with Alfred D. Wiler, Esq. Their line of work was largely in real estate, and their operations, especially in West Philadelphia, were extensive and successful. Mr. Elliot was one of the best authorities on baseball in the country, and at the time of his death was Vice-President of the Philadelphia Baseball Club.

Erdman, Constantine J. (31st J. D., Allentown), born September 4, 1846; died January 15, 1911. Admitted to the Bar in 1867.

He graduated with honors from Pennsylvania College in 1865. He was a leading member of the Lehigh County Bar, a former District Attorney of the county, and served two terms in Congress from the 13th Congressional District of Pennsylvania. As a member of the 54th Congress he introduced the "Erdman Act."

As a Federal statute there are few whose requirements convey such direct influence in the settlement of any labor troubles within its scope. During the past years the Erdman Act has been successfully invoked not only in the settlement of matured labor troubles, but it is well remembered that it was the Erdman Act alone which saved the country from one of the most extensive strikes in the West last summer. Even though all else that Mr. Erdman ever accomplished through his many years of active and useful service be waived aside, the Erdman Act alone would serve to ever keep fresh his memory in the minds of a grateful people. He was also instrumental in checking what he considered a dangerous flow of pension bills introduced in Congress as special bills.

Mr. Erdman was in 1877 adjutant of the 4th Regiment of the National Guard of Pennsylvania, and during

the labor riots of 1877 had his collar-bone broken in a fusillade of stones by the strikers.

He was President of the Allen Mutual Fire Insurance Company, the Allentown and Coopersburg Turnpike Company, and for years of the Coplay Cement Company. He was also County Solicitor for a number of years.

Flanders, Henry (1st J. D., Philadelphia), born February 13, 1826; died March 4, 1911. Admitted to the Bar May 28, 1853.

He was educated at Kimball Academy, New Hampshire, and Newberry Seminary, Vermont. He was a lecturer in the Law Department of the University of Pennsylvania and a member of the Commission for the Collation of the Acts of Assembly of Pennsylvania from 1700 to 1809.

Mr. Flanders was a practitioner of the old school, and was noted for his courteous and gentlemanly manners. Aside from his practice he found time for legal and general literary work, and was the author of a work on "Maritime Law," 1852; "The Law of Shipping," 1854; "Lives of the Chief Justices of the United States," 1858-1881; "Memoirs of Cumberland," 1856; "Exposition of the Constitution of the United States," 1860-1904; "The Law of Fire Insurance," 1871-1874, and "Adventures of a Virginian," 1881. By his pen he had well discharged the debt every man is presumed to owe to his profession.

Gendell, J. Howard (1st J. D., Philadelphia), born in 1844; died November 12, 1910. Admitted to the Bar October 21, 1865.

In 1878 he was appointed Assistant City Solicitor, and in 1907 was appointed special assistant to John L. Kinsey, and on Mr. Kinsey's elevation to the Bench, Councils elected Mr. Gendell to succeed him, and in the following February, 1908, he was elected to the office of City Solicitor, which

he held until the time of his death. He was a good lawyer and discharged the duties of his office with ability and fidelity.

Gerhard, John S. (1st J. D., Philadelphia), born December 24, 1845; died May 2, 1911.

He graduated from the University of Pennsylvania in 1865. He was also a graduate from the Law Department of the University in the class of 1867, and on November 16th of the same year was admitted to the Philadelphia Bar. Mr. Gerhard was the son of Benjamin Gerhard, a noted Philadelphia attorney, and a grandson of Hon. John Sergeant. Mr. Gerhard was associated in practice with his son, Albert P. Gerhard, who survives him.

Mr. Gerhard had a lucrative practice and conducted it on the lines of the old school, following the traditions of a family of lawyers of which he was an honorable and worthy successor, their office being one of the oldest in continued succession of the Philadelphia Bar. Mr. Gerhard was a careful practitioner, affable and kindly in manner, and highly esteemed by his brethren of the Bar and by the community.

Gilpin, Hood (1st J. D., Philadelphia), born October 19, 1853; died September 13, 1910. Admitted to the Bar in 1874.

In 1875 he was appointed Assistant United States District Attorney, and continued in office until 1885. Mr. Gilpin was the son of Charles Gilpin, a prominent member of the older Bar of Philadelphia, and one of the early Mayors of the city. He was a descendant of Joseph Gilpin, the founder of the family in America, who came from Dorchester, Oxfordshire, and settled in Chester County, Pennsylvania, in 1695. Mr. Gilpin was a good lawyer and a highly respected citizen.

Gilpin, Washington H. (1st J. D., Philadelphia), born February 2, 1844; died March 5, 1911. Admitted to the Bar April 7, 1866.

He graduated from the University of Pennsylvania in 1864. Mr. Gilpin enlisted as a private in an emergency regiment that was sent to the battle of Gettysburg. He became greatly interested in military affairs, and entered the 1st Regiment of N. G. P. a private, and retired from the service with the rank of lieutenant-colonel. He was a brother of Hood Gilpin.

Goodman, William M. (23d J. D., Berks), born December 10, 1836; died March 1, 1911, in his 75th year. Admitted to the Berks County Bar August 13, 1864.

He was a member of the Board of Auditors of the City of Reading, 1866-1869; was District Attorney of Berks County, 1878-1881, and subsequently member of the Reading Board of School Controllers. He had been for some years retired from active practice.

Gordon, Cyrus (46th J. D., Clearfield), born December 1, 1846; died March 10, 1911.

Cyrus Gordon was born near Hecla Furnace, Centre County, and entered the Sophomore Class of State College in 1864, from which institution he graduated in 1866. He was later connected with the institution as tutor and took a post-graduate course. In 1867-69 he took a law course at the Michigan University, Ann Arbor, and was at the same time registered as a law student in the office of former Judge Samuel Linn; of the Bellefonte Bar. He was admitted to the Bar in Centre County in 1869, and in November, 1870, located at Clearfield and was admitted to the Bar. Shortly after his admission to the Bar he formed a partnership with Thomas H. Murray in the practice of law, under the firm name of Murray & Gordon, and this partner-

ship existed until January 1, 1894, when Judge Gordon went upon the Bench of this district, then, as now, composed of Clearfield County, having been elected November, 1893, defeating Judge David L. Krebs for re-election. Judge Gordon completed the full term of ten years, retiring January 1, 1904, since which time he practiced law in Clearfield in partnership with Harry Boulton. He also held a position as general counsel of the State Pure Food Department.

Judge Gordon was an able lawyer, possessed of a keen, clear, analytical mind, which enabled him as a jurist to solve the most intricate legal propositions with which he was confronted with great ability and promptness. As a citizen he was broad-minded and public-spirited, which characteristics naturally led him to the front as a leader in the general business and political affairs of his county.

His home life, as a devoted, loving and indulgent husband and father, was particularly blessed and happy. He was a lifelong member of the Presbyterian Church and an active Sunday-school worker. In the death of Judge Gordon, following so closely the death of his contemporary, Judge Krebs, and while yet apparently in the prime of life, was a great loss to the community in which he spent the active years of his life. Judge Gordon was a charter member of the Pennsylvania Bar Association.

Graham, Duncan M. (9th J. D., Cumberland), son of former Judge James H. Graham, born November 20, 1855; died suddenly February 27, 1911. He was graduated from Dickinson College in 1873, and admitted to the Bar in 1876.

Grayson, F. W., Jr. (1st J. D., Philadelphia), born 1853; died September 20, 1910. Admitted to the Bar June 28, 1878.

Green, Horace P. (32d J. D., Delaware), born in Edgmont, Delaware County, Pa., June 11, 1854; died April 4, 1911, at Media, Pa. Admitted to the Delaware County Bar June 9, 1879. He was a member of the Pennsylvania Bar Association and of the Delaware County Bar Association.

He studied law with Hon. John M. Broomall and later was associated in law practice with V. Gilpin Robinson, Esq., at Media; afterwards practiced law alone and until his son, Ernest LeRoy Green, Esq., a graduate of Swarthmore College and of the University of Pennsylvania, was admitted to the Bar, when a partnership was formed in the practice between father and son.

He was Vice-President of the Media Title and Trust Company, and had been a member of the Media Borough Council and of the Media School Board for a number of years.

Mr. Green was an active and able man in his professional work and practice, and in the affairs of the community in which he lived.

Hall, James W. (5th J. D., Allegheny), born December 23, 1825; died April 2, 1911. Admitted to the Bar December 16, 1852.

Mr. Hall was a native of Allegheny County, and following his graduation from Meadville, Pa., Allegheny College, taught the county school at Noblestown until 1850, when he began the practice of law. He was prominent in the municipal circles of the old City of Allegheny during the Civil War, and was quite active in relief and commissary work for the soldiers. He was one of the founders of the North Avenue M. E. Church, North Side, Pittsburgh, Pa. In recent years he lived, during the summer, on his farm at Baden, in Beaver County.

Halsey, Gaius Leonard (11th J. D., Luzerne), born February 16, 1845; died February 16, 1911. Admitted to the Bar September 9, 1872.

In the history of Luzerne County, Judge Halsey holds an illustrious place. From a standpoint of knowledge he was in the foremost ranks. As a student he had few equals. As a lawyer he was a shining success, and as a Judge he was the personification of brilliancy, fairness and nobleness. In his practice of law he feigned no untruths. To one and all he met the issue from the standpoint of equality and dealt only with those things of life which an able, careful practitioner loves. As a member of the Bench he was loyal and steadfast. His sympathetic nature never swayed his sound judgment. He knew only the rights of others, and when they were at stake his duties were always plain. In his ten years or more in the service of the county he never once lost sight of the fact that he was a public servant. He made a good Judge because he tried to be an honest one. To-day his name is linked with those of the greatest Judges who have graced the county's Bench, and justly so.

Hoffer, F. Harry (9th J. D., Cumberland), born November 6, 1855; died suddenly March 29, 1911. He was graduated from Dickinson College in 1876, and admitted to the Bar in 1882.

Hopper, Harry Shelmire (1st J. D., Philadelphia), born June 13, 1858; died April 6, 1911. Admitted to the Bar in 1878.

He graduated from the Central High School, June, 1875, and from the Law Department of the University of Pennsylvania in 1878. He was the Historian of the Alumni Association of the Central High School, and one of the managers of the Alumni of the Law Department of the University of Pennsylvania.

Hostetter, Abraham F. (2d J. D., Lancaster), born in 1850; died June 14, 1911. He was a member of the State Bar Association.

Huston, Joseph H. (1st J. D., Philadelphia), born in 1876; died August 7, 1910.

He graduated from the Central High School in 1895, and from the Law Department of the University of Pennsylvania in 1899.

Johnson, William F. (1st J. D., Philadelphia), born January 9, 1837; died July 26, 1910. Admitted to the Bar in 1859.

Johnston, Marshall (5th J. D., Allegheny), born 1843; died June 4, 1910. Admitted to the Bar April 15, 1878.

Mr. Johnston was born in Beaver County, Pa., and was a member of the Allegheny County Bar for thirty-five years. Took an active interest in Republican politics and was an authority on corporation law. Enlisted first in the 102d Pennsylvania Infantry, and during the last three years of the Civil War was a member of the 14th Pennsylvania Cavalry. He was a member of Pittsburgh Councils for two years, an elder in the Third Presbyterian Church, Vice-President and director in the Citizens' Bank of Bellevue, Pa.

Keator, John F. (1st J. D., Philadelphia), born April 16, 1850; died November 17, 1910. Admitted to the Bar in 1879.

He graduated from Yale College in 1877, and from the Law Department of the University of Pennsylvania in 1879. In 1896 he was active in the Business Men's League of Germantown in the interest of better politics, and was twice elected to the Legislature from the Germantown district. He was appointed attorney for the House in investigating the cause of the fire which destroyed the State Capitol.

Kider, Elliot Pardee (11th J. D., Luzerne), born August 1, 1845; died March 22, 1911. Admitted to the Bar August 16, 1869.

Mr. Kider was for years one of the leading men of Luzerne County, and was especially prominent in municipal and charitable affairs in Hazleton and vicinity, being active in movements for good government and in bettering the condition of the poor.

Kline, M. C. L., (31st J. D., Lehigh), born March 26, 1855; died January 15, 1911. Admitted to the Bar in 1876.

He graduated from Muhlenberg Academy in 1874. He entered early into political life. He was elected City Solicitor of Allentown in 1877, District Attorney 1887-1890, elected to Congress in 1902, and continued in Congress two terms.

Mr. Kline was a man to make and hold friends. He was a conspicuous and striking man. Of gigantic build, erect and graceful stature, handsome as an Apollo, with every manly and physical quality most highly developed, he was a man to catch and hold attention. As an orator he was widely known, and his addresses upon various occasions were models of diction.

Krebs, David Luther (46th J. D., Clearfield), born October 5, 1846; died January 25, 1911.

Judge Krebs was born in Penns Valley, Centre County, Pa., and was educated at the Academy in Pine Grove, Centre County, and later took a course at an academy in Milton, Pa. He first came to Clearfield in the fall of 1864 to teach a country school near Clearfield, but his school term was interrupted by his enlisting in the army to take the place of an older brother, with a family, who had been drafted, and he served in the 98th Regiment, Pennsylvania Veterans, until mustered out by general order in 1865.

Upon leaving the army he spent a year in the oil region of Venango County, returning, however, to the occupation of teaching a school at Limestoneville, Montour County. In 1867 he returned to Bellefonte, Centre County, and read law with the late Judge Adam Hoy, and was admitted to the Bellefonte Bar, April 30, 1869. He then came to Clearfield and was admitted to the Clearfield Bar, May 26, 1869. In 1873 he entered into partnership with his father-in-law, Senator William A. Wallace, which partnership, under the name of Wallace & Krebs, continued until Judge Krebs was elected to the Bench of this district, composed of Clearfield County, the first Judge to hold that position after the county became a separate district. His service as Judge began January, 1884, and continued for the full term of ten years, retiring January, 1894, when he was succeeded by Judge Gordon. Retiring from the Bench, after ten years' experience, at the early age of forty-seven, and returning to the Bar, he succeeded in acquiring a very large practice, not only in Clearfield, but throughout different portions of the State, particularly in the line of cases involving mining operations and in cases involving railroad discrimination.

Judge Krebs' intellectual ability, his untiring industry and his force in the preparation of cases and as a trial lawyer, won for him a fame second to none in his profession in the State. As a Judge he was candid, fair-minded, courageous, tolerant and just. These characteristics carried respect for him among members of the Bar, and, coupled with his great industry and ability, made the judgments which he rendered highly respected in legal circles. His fame as a lawyer and Judge brought his name prominently as a candidate for the Supreme Bench before the Democratic convention of 1899, when Judge Mestrezat was finally nominated after a two or three days' struggle in convention.

He was a lifelong member of the Presbyterian Church, and served for many years prior to and up until his death

as ruling elder in the Presbyterian Church of Clearfield. As in his public and professional life, so, also, in his home and social life, he was faithful and conscientious in every position of duty and trust devolving upon him. He was a charter member of the Pennsylvania Bar Association.

Loveland, George (11th J. D., Luzerne), born November 5, 1823; died June 12, 1910. Admitted to the Bar August 19, 1848.

Lynch, John (11th J. D., Luzerne), born November 1, 1843; died August 17, 1910. Admitted to the Bar November 20, 1865.

Mr. Lynch was a prominent member of the Luzerne Bar, and at one time served as Register of Wills of Luzerne County, and was also member of Congress. He was President Judge of Luzerne County at the time of his death.

McCleave, Johns (5th J. D., Allegheny), born August 3, 1853; died March 14, 1911. Admitted to the Bar May 11, 1881.

Mr. McCleave was educated at the University of West Virginia, the University of Maryland and the Harvard Law School. He first began the practice of law at Cumberland, Md., as a partner of Judge Hunter Boid, later Chief Justice of the Maryland Court of Appeals. He removed to Allegheny County about 1880, where he took a prominent place in legal circles. For nearly twenty years he was a partner of David T. Watson. At the time of his death he was said to have one of the most extensive private libraries in the county, and as a connoisseur was widely known. His private art collection is alone said to have been valued at over \$100,000. He was a director in the Union National Bank, and was a member of the Duquesne and Pittsburgh Clubs.

McGary, William H. (5th J. D., Allegheny), born 1848; died August 7, 1910. Admitted to the Bar October 13, 1877.

Mr. McGary attended the University of Pittsburgh, and later graduated from the Ohio State and Union Law College in 1870. Practiced chiefly in the Criminal Courts and gained a reputation as a Democratic orator. Was a member of the Royal Arcanum and the Roman Catholic Church.

Marks, Clinton Hayes (11th J. D., Luzerne), born May 7, 1877; died January , 1911. Admitted to the Bar October 8, 1900.

He was educated in the public schools of his native township, Wyoming Seminary, Bloomsburg Normal School and Literary Institute and the Lock Haven Seminary.

Meals, Samuel M. (5th J. D., Allegheny), born in 1865; died April 16, 1911. Admitted to the Bar September 22, 1900.

Mr. Meals was a native of Washington Township, Butler County, Pa. He was educated at the public schools, and after his graduation from Grove City College in 1887 became a principal of public schools at Emlenton, Venango County, and later at Oakmont, in Allegheny County. He registered as a student at law with Judge John M. Greer, and was first admitted to the Bar in Butler County, and on September 22, 1900, went to the Allegheny County Bar and formed a partnership with Horace J. Thomas, Esq. The firm had among its clients many corporations and men interested in the oil business.

Meily, Frank E. (52d J. D., Lebanon), born in 1855; died October 2, 1910.

He graduated from Muhlenberg College. He was the first President Judge of Lebanon County. He was appointed to the Bench in 1892.

Meredith, James L. (29th J. D., Lycoming), born in 1839; died July 15, 1910. Admitted to the Bar in 1867.

Meyer, J. Calvin (49th J. D., Centre), born January 31, 1861; died April 15, 1911. Admitted to the Bar December 24, 1884.

Elected District Attorney in 1886 and re-elected in 1889, serving the two terms with credit and ability. In 1893 he was elected Burgess of Bellefonte. In 1908 he was chosen a member of the General Assembly of Pennsylvania, and in 1910 was re-elected without opposition.

As a lawyer Mr. Meyer was a very successful practitioner and throughout his professional career had the full confidence of his large clientage. He was a very able trial lawyer, especially before a jury. His faculty to see the human side of a case gave him great strength in this regard, and he never lost sight of this very important feature either in preparation or in actual trial. At the counsel table he was alert and resourceful, not only in the presentation of his case as he had previously conceived it, but also in molding his case to meet the actual exigencies of trial. He had a pleasing presence, a fine command of language, aptness in the choice of words to express his thoughts, and earnestness, forcefulness and persuasiveness in their presentation. All of these qualities combined in making him a strong advocate and a formidable opponent. He was well grounded in the principles of the law, and in all matters of counsel and practice rendered to his clients the services of a fully equipped and efficient lawyer. Of a kindly and genial disposition, he was fair and straightforward in his dealings with his fellow-members of the Bar, and amply fulfilled all his duties both to the Court and to his clients.

Nicolls, Frederick W. (23d J. D., Berks), born February 7, 1870; died May 16, 1911. Admitted to the Bar November 11, 1895.

He was the son of Gustavus A. Nicolls, for many years general superintendent of the Philadelphia and Reading Railroad. He graduated from Harvard University in 1892 with especial distinction in literature, and read law in the office of his brother-in-law, the late Henry A. Muhlenberg, Esq. While a student he contributed to various magazines and delivered a series of lectures in the University Extension course on history, political economy and kindred subjects. Upon his admission to the Bar he became a champion of municipal reform, and lent valuable professional service to a local organization for the protection of the public interests. He served for three years as solicitor of the Reading School District.

Mr. Nicolls was an assiduous student of the law, and devoted himself with unremitting energy to its practice, rapidly attaining to a position of leadership of the junior Bar. He was of exact business habits, extremely painstaking in the preparation of his cases and equally tenacious in their presentation. He was a most conscientious counselor and courageous advocate, and possessed in a marked degree the confidence of Court and client. As a man and citizen he stood deservedly high in the public estimation.

Ommeren, John Von (7th J. D., Bucks), born December 8, 1853; died June 10, 1910. Admitted to the Bar December 18, 1891.

He was a good lawyer, had a lucrative practice, and the confidence of his clients and the community in which he lived.

Peale, Samuel Richard (25th J. D., Clinton), born September 20, 1830; died August 2, 1910. Graduated from Dickinson College in 1850, and admitted to the Northumberland County Bar in 1856.

In 1876 he was elected to the State Senate from the Clinton-Centre-Clearfield District and served with distinction through the term, but declined re-nomination. He was very successful as a practitioner in land cases, and from 1882 to 1895 was the General Solicitor of the Beech Creek railroad, which he was largely interested in and in the development of the coal lands of the Centre and Clearfield districts.

He was of Scotch-Irish descent, his ancestors having settled in Cumberland County, Pa., at the close of the eighteenth century. He had been an active member of St. Paul's Episcopal church of Lock Haven since 1860 and served as superintendent of the Sunday school of that church for some time. He also taught a Bible class in the Sunday school for years. He was the senior warden of St. Paul's church.

One of the local papers in writing of him said: "No man has ever taken a keener interest in the advancement and welfare of Lock Haven than Mr. Peale. In any movement for civic progress, he was always aggressive and his voice was often heard championing the cause of better things for Lock Haven, whether civic, social or commercial. One by one, the pioneer residents of the city are passing to their reward, but none have left behind them a more noble example of upright life and conduct than Hon. S. R. Peale."

Pennypacker, C. H. (15th J. D., Chester), born April 16, 1845; died April 3, 1911. Admitted to the Bar 1870.

He was educated at the West Chester Academy and Phillips Exeter Academy, Exeter, N. H. He was Chief Burgess of West Chester from 1903 to 1906.

Pinkerton, John J. (15th J. D., Chester), born 1836; died November 30, 1910.

He was educated at Williams College, Massachusetts. After his admission to the Bar he was associated with Hon. Wayne MacVeagh at West Chester. He was a member of the Constitutional Convention of 1873. He was a trustee of the West Chester State Normal School for many years, and for some time the President of the Board. He was an active worker in the First Presbyterian Church of West Chester. He was counsel for the Pennsylvania Railroad, and was solicitor for the Borough of West Chester.

Plank, Charles M. (23d J. D., Berks), born in Reading, May 21, 1860; died September 17, 1910, in the 51st year of his age. Graduated from the Reading High School in 1876. Admitted to the Berks County Bar November 22, 1880.

He was Assistant City Solicitor and solicitor for the Reading School District; later became Deputy Collector of Internal Revenue for the Berks District. He was for many years active in politics, Chairman of the Republican County Committee and delegate to several Republican State Conventions and to the Republican National Convention of 1896. He was a skillful lawyer and forceful political orator.

Powell, George Kelsey (11th J. D., Luzerne), born June 10, 1845; died January 13, 1911. Admitted to the Bar June 12, 1871.

For many years he was a prominent member of the Luzerne Bar, never held any political office, and was at the time of his death President of the Luzerne County National Bank.

Rawle, Francis William (1st J. D., Philadelphia), born September 22, 1873; died June 12, 1911. Admitted to the Bar in 1898.

He was educated at Phillips Exeter Academy and graduated from Williams College in 1895. He attended both Harvard and the University of Pennsylvania Law Schools and received the degree of LL.B. from each. For several years he was associated with his uncle, Francis Rawle, Esq., and later, in 1900, entered the office of William Brooke Rawle, Esq., and continued with him until his death. The office was founded by his great-grandfather, William Rawle, in 1783, and has continued in unbroken succession to our own times. Mr. Rawle, though a comparatively young man, was recognized by those who knew as a sound and able lawyer, painstaking and conscientious in the discharge of his professional duties, and a gentleman of most engaging and attractive personality.

Roddy, George Black (12th J. D., Dauphin), born 1862; died September 6, 1910.

Graduated at Princeton College. He also studied abroad. He was a man of scholarly attainments.

Schell, William P., Jr. (5th J. D., Allegheny), born June 24, 1849; died September 2, 1910. Admitted to the Bar November 6, 1872.

Mr. Schell was a native of Bedford, Pa. His father was a lawyer, and Auditor-General of Pennsylvania from 1878 to 1881. Graduated from Princeton in 1870.

Spackman, Samuel (1st J. D., Philadelphia), born ; died March, 1911.

He had been residing abroad for several years, and died at Florence, Italy.

Sturdevant, Edward Warren (11th J. D., Luzerne), born November 12, 1854; died April 2, 1911. Admitted to the Bar June 11, 1877.

He was educated at Princeton University, and at the time of his death one of its oldest graduates.

Uhler, Irwin S. (3d J. D., Northampton), born [redacted]; died December 18, 1910. Admitted to the Bar in 1886.

Wolverton, Simon P. (8th J. D., Northumberland), born January 28, 1837; died October 25, 1910. Admitted to the Bar April, 1862.

He graduated from Lewisburg University in 1860. In 1862 and 1863 he served as captain of an emergency regiment which he organized to resist the Confederate invasion of the State. In 1878 he was elected to the State Senate as a Democrat, and re-elected in 1880 and in 1884, although the district was Republican. In 1890 he was elected to Congress on the Democratic ticket, and was re-elected in 1892. He was offered an appointment to the Bench of the Supreme Court by Governor Stone, but declined to accept.

Mr. Wolverton was for many years one of the counsel for the Philadelphia and Reading Railway Company, and was recognized throughout the State as one of the ablest lawyers in Pennsylvania.

JOHN M. HARRIS, Lackawanna: I move that the report of the Committee on Legal Biography be received and placed on file, and that the thanks of the Pennsylvania Bar Association be extended to the Provost and Trustees of the University of Pennsylvania, and to the Dean and Faculty of the Law Department for the courtesy extended the Committee on Legal Biography in giving the use of a room for its historical collection.

Duly seconded, and agreed to.

THE PRESIDENT: The next in order is the report of the Committee on Admissions.

EDWARD J. FOX, *Chairman*, Northampton: I beg to present the following as the

REPORT OF THE COMMITTEE ON ADMISSIONS

To the Pennsylvania State Bar Association:

The Committee on Admissions submits the following report:

That in the month of February last at the suggestion of the President a state-wide effort was made to increase the membership, and the Secretary sent to an active member of the Association in every county of the State a letter and some blank applications, urging a canvass for members. This effort seems to have proved futile, save in Allegheny and Cumberland Counties. A lack of interest alone can excuse this failure.

The Committee reports the following admissions for the year up to this Annual Meeting of the Association:

JOHN M. RHEY	Cumberland.
M. M. BURKE	Schuylkill.
ROBERT W. IRVING	Cumberland.
CLARENCE LOEB	Philadelphia.
CHARLES S. WESLEY	Philadelphia.
CHARLES V. HENRY	Lebanon.

GEORGE E. LLOYD	Cumberland.
JOHN LEWIS EVANS	Philadelphia.
PHILLIPPUS W. MILLER	Philadelphia.
WILLIAM J. KYLE	Greene.
ALEXANDER J. BARRON	Allegheny.
ALLEN HUMPHREYS KERR	Allegheny.
HENRY V. BLAXTER	Allegheny.
JOSEPH P. FIFE	Allegheny.
HOWARD W. DOUGLASS	Allegheny.
THOMAS D. MCCLOSKEY	Allegheny.
CORNELIUS D. SCULLY	Allegheny.
SAMUEL A. MCCLUNG, JR.	Allegheny.
ALBERT H. SAYERS	Greene.
THOMAS S. SCHULTZ	Allegheny.
SAMUEL B. SCOTT	Philadelphia.
WILLIAM E. NEWLIN	Allegheny.
WM. J. STURGES	Fayette.
EDWARD J. MCKENNA	Allegheny.
GRAHAM C. WOODWARD	Philadelphia.
JOSIAH COHEN	Allegheny.
JAMES H. GRAY	Allegheny.
FRANK W. STONECIPHER	Allegheny.
JAMES C. GRAY	Allegheny.
WILLIAM M. ROBINSON	Allegheny.
SAMUEL T. MEYER	Lebanon.
WALTER E. GREENWOOD	Chester.
CHAS. G. BAKER	Lancaster.

Respectfully submitted,

EDWARD J. FOX,
Chairman.

Bedford Springs, *June 27*, 1911.

I would like to ask that the Committee be permitted to report further at one of the later meetings of the Association in case there are any who desire to present applications. And I would like to say further that last evening there was a scarcity of application blanks, but that has been remedied, and there are now plenty of blanks available and can be found at the desk, or can be obtained from members of the Committee.

EDWIN M. ABBOTT, Philadelphia: I move that the report be received and approved, and the gentlemen named be elected members of the Pennsylvania Bar Association, and I further move that the Committee have leave to report at a later session any new recommendations for admission.

Duly seconded, and agreed to.

THE PRESIDENT: Next is the report of the Committee on Grievances.

THE SECRETARY: I have had no formal report, but Mr. Derr, the Chairman of the Committee, addressed the following note to me, which I offer as the report for the present:

HON. WILLIAM H. STAAKE
Secy., Pennsylvania Bar Association
Philadelphia, Penna.

Dear Judge Staake:—

Answering yours of the 9th, inst.:

There will, I believe, be no report of the Grievance Committee this year.

I expect for the first time in my career at the Bar Association, to have the pleasure of being in attendance without having anything to do.

Nevertheless should any grievance obtrude itself upon the Committee seeming to require attention this year, I would call the Committee together with a view to taking action on it.

With kind regards, I am,

Very truly yours,

CY G. DERR

May 11, 1911.

THE PRESIDENT: Next is the report of the Committee on Uniform State Laws.

WALTER GEORGE SMITH, *Chairman*, Philadelphia: The report is in print and has been circulated among the members. When the report is taken up, there are one or

two changes in the text that will be explained; but I will not take the time of the Association now to do more than simply present the report.

REPORT OF THE COMMITTEE ON UNIFORM STATE LAWS

To the Members of the Pennsylvania Bar Association:

The Committee on Uniform State Laws respectfully report:

That the Legislature of Pennsylvania at its last session had before it the following Acts recommended by the Conference of Commissioners on Uniform State Laws, viz.:

The Uniform Sales Act.

The Uniform Stock Transfer Act.

The Uniform Bill of Lading Act.

The Uniform Divorce Act.

The Uniform Act relating to Wife Desertion.

The first four of these Acts were introduced at the request of the Commissioners on Uniform State Laws by the Hon. Ernest L. Tustin in the Senate, the last named Act by the Honorable Ralph Gibson, of Lycoming County, in the House. Of these Acts the following were passed and approved by the Governor:

The Uniform Stock Transfer Act, approved May 5, 1911.

The Uniform Bill of Lading Act, approved June 9, 1911.

No action was taken on the Desertion Act.

The Uniform Divorce Act passed the Senate, but was reported out of the Committee of the House unfavorably.

The Uniform Sales Act passed the Senate, was favorably reported in the House, but did not reach a final vote.

DIVORCE

Your Committee regrets to report that the trend of legislation in Pennsylvania on this subject has been distinctly away from uniformity, and in the direction of methods condemned by the weight of authority as represented in the various respectable lay and religious bodies that have been engaged in efforts to bring about a reform in the laws governing divorce and divorce procedure.

The Act of March 13, 1815, is, practically, the fundamental law of Pennsylvania on the subject of Divorce. Section 2 of this Act, preserves to either party in divorce proceedings the right of trial by jury. The Constitution of 1838 and the Constitution of 1874 provide that "trial by jury shall be as heretofore and the right thereof shall remain inviolate." While in England prior to the Act of Parliament of 1857, only the ecclesiastical courts had jurisdiction of divorce proceedings, yet in this country, even in colonial times, the several Legislatures assumed jurisdiction over the matter of divorce. As late as 1846 the Pennsylvania Legislature asserted its right to pass an Act granting a divorce. Since then, the right has been conferred on the Courts of every State.

At the last session of the Legislature, an Act was introduced into the Lower House by Hon. John R. K. Scott, of Philadelphia, amending Section 2 of the Act of March 13, 1815. This Act was approved by the Governor April 20, 1911. By its provisions, either of the parties to a divorce proceeding who desires a trial by jury is required to take out a rule to show cause why a jury trial should not be granted. The court, after hearing, may either discharge or grant the rule or frame the issue itself, and only the issues ordered by the court shall be tried; but such rule shall not be granted when, in the opinion of the Court, the trial cannot be had without prejudice to public morals. If no jury trial is asked for, or if the rule to show cause

is discharged, the court may proceed to hear the case, or may, upon motion of either party, appoint a Master to take testimony, etc.

Section 2 of the "Scott Bill" makes the Act applicable to all cases pending, as well as to cases hereafter to be tried.

This Act seems objectionable for two reasons. First, because it deprives the parties of the right to *demand* a jury trial, second, because it is retro-active and applies to pending cases. The first reason may perhaps be supported on Constitutional grounds; the second on grounds of public policy. Section 40 of the Uniform Bill preserves the right of each party to demand a trial by jury. Section 85 provides that "nothing whatever in this Act shall affect or apply to any actions for annulment of marriage or for divorce now pending." The Uniform Divorce Bill, although recommended by the Pennsylvania State Bar Association; by the Conference of Commissioners on Uniform State Laws; by the American Bar Association and by the National Civic Federation, has been adopted in only three states: Delaware, New Jersey, and Wisconsin. It has failed three times in Pennsylvania. In 1907 it passed the Senate and was not reported out by the Committee in the House. In 1909 it was not even reported out by the Senate Committee. In 1911 it passed the Senate but was held up in the Judiciary Special Committee of the House, not even a hearing being accorded to the Commissioners who caused the bill to be introduced.

Comment upon the attitude of this Committee is needless. Evidently there is a powerful influence in the profession which does not desire any reform in the divorce laws of this State, and this has sufficiently counter-balanced the well meant efforts of those who deplore the evils arising, as they believe, from existing methods.

It has never been claimed that the Uniform Divorce Bill would materially reduce the number of divorces, but

it has been and is confidently believed that it would reduce the opportunities for fraud, and, by the provisions relating to decrees *nisi*, give an opportunity for reconciliation as well.

Until the sentiment of the community in general becomes thoroughly aroused and makes itself felt by an insistent demand, it is not likely that future efforts for divorce reform will meet with any better fate than has befallen the Uniform Divorce Act in successive legislatures of this State.

PROGRESS OF UNIFORMITY OF LEGISLATION

The twentieth annual meeting of the Conference of Commissioners on Uniform State Laws was held at Chattanooga, Tenn., August 25th, 26th, 27th, and 29th, Commissioners being present from twenty-seven States, including the District of Columbia and Porto Rico.

The Conference gave much consideration to the draft of a Uniform Incorporation Act, a Uniform Act on the subject of Marriage and Licenses to Marry, and on Family Desertion and Non-support, also an Act to establish a Law Uniform with the Laws of other States relative to the execution of Wills, and an Act to establish a Law uniform with the Laws of other States relative to Probate in this State of Foreign Wills. None of these Acts were completed in Conference, excepting the Act relating to Desertion and Non-support of wife or children and the Act relating to Foreign Wills, which was recommended under the title "An Act Relative to Wills executed without this State, and to Promote Uniformity among the States in this respect." Copies are hereto annexed.

DESERTION

The foot-notes to the "Desertion Bill" explain its origin, scope and purpose. Until some fifty years ago Family

Desertion was regarded only as an offense against the Poor Laws. In 1867 Pennsylvania provided a remedy to the deserted family. Other States followed suit. And yet as late as 1900 in New York and some other States the offense was classed as "Vagrancy," "Disorderly Conduct," etc. Even under the Pennsylvania Act of 1867 it was easy for the deserter to go to another State, and, since the offense was only "quasi-criminal," he was not subject to extradition. The Pennsylvania Act of March 13, 1903, made the offense a misdemeanor, and therefore extraditable. Most states have done the same. A few have made it a felony. Imprisonment, however, is of little benefit, either to the suffering family or to the State. The penalty of a sentence at hard labor has proved most effective in the District of Columbia and in those states which have adopted the same. This Uniform Bill (skeleton in form, to be modified by each state according to its forms of procedure, as, *e. g.* in Massachusetts in a statute now pending) is a condensation of the best features of the present law of the various states. To our present Desertion Laws should be added the "Sentence at hard labor," "The Suspended sentence," and the "Probation System." The Associated Charities of Pittsburgh, by its attorney, Ward Bonsall, Esq., prepared and introduced in the last Legislature a Bill amending the Act of 1867, introducing all of these features. The Bill passed the Senate, but was not reported from the House Committee.

FOREIGN WILLS

The lack of uniformity in the legislation of the various states as to the mode or form of executing a last will and testament, and the numerous conflicts over wills executed without each state, seemed of sufficient importance to induce the Conference of Commissioners on Uniform Laws to adopt a uniform act relating to the execution of foreign wills. This act, as adopted by the Conference of Commis-

sioners on Uniform Laws, together with a proviso recommended by your Committee, will be found in the appendix. In explanation of the scope of this act it is proper to make the following observations:

The present law of Pennsylvania concerning wills executed without this state is covered by the following acts of Assembly, to wit: The Act of April 8, 1833, P. L. 249, sections 6 and 17; The Act of March 29, 1832, P. L. 135, section 12; the Act of January 27, 1848, P. L. 16; The Act of April 26, 1855, P. L. 328, section 11.

Section 6 of the act of 1833 is as follows:

"That every will shall be in writing, and unless the person making the same shall be prevented by the extremity of his last sickness, shall be signed by him at the end thereof, or by some person in his presence, and by his express direction, and in all cases shall be proved by the oaths or affirmations of two or more competent witnesses, otherwise, such will shall be of no effect."

It has long been the rule in Pennsylvania that a will disposing of real estate must be executed according to the *Lex Rei Sitae*, and therefore a foreign will disposing of real estate in Pennsylvania must be executed as required by section 6 above quoted.

Section 17 of this act provides:

"That nothing in this act contained shall be construed to apply to the disposition of personal estate by a testator whose domicile is out of this Commonwealth."

This is a recognition of the rule laid down in *Desesbats vs. Berquier*, 1 Binn., 336, that "a will disposing of personal property must be executed according to the law of the testator's domicile *at the time of his death*." See also *Carey's app.* 75 Pa. 201; *Price vs. Price*, 156 Pa. 617; *Beaumont's estate*, 216 Pa. 350.

As to the probate of foreign wills, section 12 of the Act of March 29, 1832, provides as follows:

"Copies of wills and testaments proved in any other state or country, according to the laws thereof, and duly authenticated, may be offered for probate, before any Register having jurisdiction and proceedings thereon may be had with the same effect, so far as respects the granting of letters testamentary, or of administration, with the will annexed, as upon the originals, and if the executor or other person producing any such copy shall produce also therewith a copy of the record of the proceedings for the probate of the original thereof, and of the letters testamentary, or other authority to administer, issued thereon, attested by the person having power to receive the probate of such original, in the place where it was proved, with the seal of office, if there be one annexed, together with the certificate of the chief judge or presiding magistrate of the state, country, county or district where such original was proved, that the same appears to have been duly proved, and to be of force, and that the attestation is in due form, such copies and proceedings shall be deemed sufficient proof, unless the contrary be shown for the granting of letters testamentary or of administration, with the will annexed, as the case may require, without the production or examination of the witnesses attesting such will."

This provision simply authorizes the substitution of an exemplification of the probate of a foreign will for the production of the original will before the Register of Wills. But it does not prevent the offering of such original will before the Register in this state; See *Flannery's will*, 24 Pa. 502; *Brown's estate*, 2 D. R. 720. It follows that when neither the original will is produced, nor a proper exemplification thereof, it is of no effect to pass the title to real estate; *DeRoux vs. Girard's Ex'r*, 112 Fed. Rep. 89.

The Act of January 27, 1848, provides

"That every last will and testament heretofore made, or hereafter to be made, excepting such as may have been finally adjudicated prior to the passage of this act, to which the testator's name is subscribed, by his direction and authority, or to which the testator hath made his mark or cross, shall be deemed and taken to be valid in all respects: provided, the other requisites, under existing laws, are complied with."

This act modifies section 6 of the act of 1833 in that it makes the mark of the testator the equivalent of his signature.

Not infrequently instances occur where a foreign will disposing of real estate is executed according to the law of the testator's domicile or according to the law of the place where executed, but not according to the requirements of the *Lex Rei Sitae*. Other instances have occurred of wills of personalty executed neither according to the law of the testator's domicile nor of Pennsylvania, but according to the law of the *place of its execution*. The proposed uniform act is intended to eliminate so far as foreign wills are concerned; (a) The distinction between wills of real estate and wills of personalty; (b) The necessity of "attesting witnesses," if such be not required by the law of the place of execution, even though they be required by the *Lex Rei Sitae*. Therefore under this proposed act a foreign will executed anywhere in the manner prescribed by this act *i. e.* "in writing and subscribed by the testator" in the mode prescribed by the law "either of the place where executed or of the testator's domicile," whether it be of real estate or of personalty, will be valid in Pennsylvania, and either the original or a proper exemplification thereof may be presented for probate. Vice versa a will executed in Pennsylvania as required by this act will be valid in any other state accepting its provisions, even though a domestic will in such state, *e. g.* as formerly in Rhode Island, requires three attesting witnesses. It is hardly necessary to state that the proposed act does not apply to domestic wills; though it would apply to a will made by a resident of Pennsylvania in another state where he might be sojourning temporarily.

It should be added that the proposed act is permissive, not exclusive, and is, therefore, cumulative. In other words a foreign will of real estate situated in Pennsylvania executed in conformity with the requirements of section six of the act of 1833, *i. e.*, of the *Lex Rei Sitae*, will still be

valid. So also a foreign will of real estate situated in Pennsylvania to which the testator has affixed his mark, will be valid in this state "if the other requisites under existing laws have been complied with," *i. e.*, if it be in writing and proved by two competent witnesses as required by section six of the act of 1833. This would be so even though a mark be not recognized by the law of the place of execution as the equivalent of the testator's signature.

It remains to consider what effect the act will have upon the provisions of section 11 of the act of April 26, 1855, P. L. 328. That section reads as follows:

"That no estate, real or personal, shall hereafter be bequeathed, devised or conveyed to any body politic, or to any person in trust for religious or charitable uses, except the same be done by deed or will, attested by two credible, and at the time, disinterested witnesses, at least one calendar month before the decease of the testator or alienor; and all dispositions of property contrary hereto shall be void and go to the residuary legatee or devisee, next of kin, or heirs, according to law: Provided, That any disposition of property within said period, bona fide made for a fair valuable consideration, shall not be hereby avoided."

It is to be noted that this section contains two independent conditions; First, that a bequest or devise for religious or charitable uses, shall be "attested by two credible witnesses"; second that it shall be executed "at least one calendar month before the decease of the testator." The first condition relates solely to the mode or form of execution; the second condition makes void such bequests if executed within a certain "time limit." The proposed act clearly relates solely to the form or mode of execution, and it would therefore repeal the requirement of two credible "attesting witnesses." The "time limit" prescribed by the act of 1855 has nothing to do with the *mode* of execution. Therefore, by a most strained construction only could the proposed act be held to repeal the "time limit" clause in the act of 1855. But in order that there may be

no doubt in this regard your Committee recommend that the second proviso, as given below in the appendix, be added to the act as adopted by the Conference of Commissioners on Uniform Laws. This will leave the law as it now stands with regard to bequests or devises for religious or charitable uses, executed within one month before the decease of the testator. In this connection see Hildeburn's estate 4 D. R., p. 40.

OTHER ACTS

The Conference has now before it tentative drafts of Acts relating to Partnership, to Marriage and Licenses to Marry, and the Formation and Regulation of Corporations, which will be considered in due time.

STATISTICS

It may be well to state that thirty-eight states, three territories and the District of Columbia have adopted the Negotiable Instruments Act; twenty-one states and the District of Columbia the Warehouse Receipts Act; six states and one territory the Sales Act; four states the Stock Transfer Act; three states the Bill of Lading Act; two states the Foreign Wills Act; three states the Uniform Divorce Act, and one state the Family Desertion Act.

The next meeting of the Conference of Commissioners will be held at Boston, Mass., August 23rd, 1911.

RECOMMENDATIONS

In accordance with custom, the Committee submits the two Acts approved by the Conference of Commissioners and recommends their approval by this Association in the following resolutions:

1. *Resolved*, That this Association approves the draft of an Act prepared under the direction and recommended by the Conference of Commissioners on Uniform State Laws in National

conference, entitled "An Act to make Uniform the Law Relating to Desertion and Non-support of Wife by Husband, or of Children by either Father or Mother, and Providing punishment therefor, and to Promote Uniformity among the States in reference thereto," with such amendments of the penal laws of this State as are necessary to make its provisions effective.

2. *Resolved*, That this Association approves the draft of an Act prepared under the direction and recommended by the Conference of Commissioners on Uniform State Laws in National Conference, entitled "An Act Relative to Wills executed without this State, and to Promote Uniformity among the States in that respect;" as amended for Pennsylvania.

3. *Resolved*, That the Legislature and the Governor of Pennsylvania be respectfully urged to adopt and approve the foregoing Acts.

Respectfully submitted,

WALTER GEORGE SMITH,
WILLIAM D. CROCKER,
ISAAC HIESTER,

Committee

APPENDIX

AN ACT

RELATING TO DESERTION AND NON-SUPPORT OF WIFE BY HUSBAND, OR OF CHILDREN BY EITHER FATHER OR MOTHER, AND PROVIDING PUNISHMENT THEREFOR; AND TO PROMOTE UNIFORMITY BETWEEN THE STATES IN REFERENCE THERETO.

SECTION 1.—Be it enacted, etc., (1)

That any husband who shall, without just cause, desert or wilfully neglect or refuse to provide for the support and maintenance of his wife in destitute or necessitous circumstances; or any parent who shall, without lawful excuse, (2) desert or wilfully neglect or refuse to provide for the support and maintenance of his or her (3) child or children under the age of sixteen years in destitute or necessitous circumstances, shall be guilty of a crime (4) and, on conviction thereof, shall be punished by fine

not exceeding five hundred dollars, or imprisonment in the (5), not exceeding two years, (6) or both, with or without hard labor, in the discretion of the Court. (7)

NOTE—The annotations were prepared for the Conference of Commissioners on Uniform State Laws.

1. This Act, throughout, follows very closely the Act of Congress of March 23rd, 1906, for the District of Columbia, the principles of which are very fully discussed in the monograph of William H. Baldwin, Esq., of the Board of Managers of the Associated Charities of Washington, D. C., entitled "Family Desertion and Non-Support Laws." Nearly every State has some provision relating to this subject. The Acts of Assembly in many States are quite full and comprehensive. The Act adopted by Congress for the District of Columbia was the result of correspondence by the Board of Associated Charities of Washington, with Governors, Attorneys-General, District Attorneys, and prominent lawyers of many States. This Act of Congress works very satisfactorily in the District of Columbia. At the meeting of the Committee in Washington in January, 1910, Mr. Baldwin was present, and greatly assisted the Committee with advice and suggestions and information as to the practical workings of the Act in the District of Columbia.

Acts of Congress differ very much from Acts of Assembly of the various States, in that they are much more concise, and generally embrace, by way of proviso, matters that the legislatures of the various States are inclined to express in separate sections. Each mode of expression has its advantages. But, in view of the fact that the courts of each separate State are so often called upon to determine the constitutionality of various parts of Acts of Assembly, and since one part of an Act may be sustained as constitutional, and another part rejected as unconstitutional, it seems preferable for State legislatures to divide every Act into separate and distinct sections. Therefore, the provisions of Section 1 of the District of Columbia Act have been divided into several sections.

2. It will be observed that in line 1, "wife desertion" must be "without just cause," whereas in line 5 "child desertion" must be "without lawful excuse." The reason for the distinction is this: Wife desertion is a cause of divorce as well, and in divorce proceedings such desertion must have been "without just cause" on the part of the *deserted* wife. But in the case of child desertion there must be a "lawful excuse" on the part of the *deserting* parent. In other words, in the first instance the ground justifying the desertion must be furnished or occasioned by the deserted party. In the second instance the excuse or ground for desertion must be furnished by the deserting party.

3. The draft of this Bill as reported to the Conference at Chattanooga included illegitimate as well as legitimate children, largely upon the strong recommendation of Mr. W. H. Baldwin, of Washington, D. C. The District of Columbia Act does not include illegitimate children, but a bill was introduced at the last session of Congress to bring them within its provisions, and received the approval of the Judiciary Committee of both Houses. Nebraska and Ohio, however, seem to be the only States whose Desertion Laws apply to illegitimate as well as legitimate children. While there are strong moral and legal grounds for so doing, yet inasmuch as the Bastardy Laws of every State make some provision for the support of illegitimate children, it was deemed advisable by the Conference not to combine Family Desertion with the desertion of a "*nullius filius*," since the proper remedy would be by amendment of the Bastardy Laws.

4. "Family Desertion," according to the tables prepared by Mr. Baldwin, is made a felony in six States, viz., Indiana, Michigan, Nebraska, New York, Ohio, and Wisconsin; a misdemeanor in thirty-eight States, including the District of Columbia; while in five States there is no law on the subject—to wit,

in Iowa, Nevada, Oregon, Tennessee and Texas. Some States, like Pennsylvania, treat Family Desertion in two ways, either as a quasi-criminal offense as under the Act of April 13, 1867, P. L. 78, where the offender is haled before the court of Quarter Sessions on information made before a Justice of the Peace or other Magistrate; and after hearing, without a jury, the Court may order him to pay a certain sum for the support and maintenance of his wife or children; or as a misdemeanor, as under the Act of March 13, 1903, P. L. 26. Under this latter Act, which is cumulative, the offender is entitled to trial by jury. The penalty is imprisonment or fine, or both; the fine if any, to be paid or applied in whole or in part to the wife or children, as the court may direct. In Pennsylvania a civil remedy is also granted to the wife against the husband by the Act of April 27, 1909, P. L. 182. Such civil remedy obtains in many other States.

As pointed out by Mr. Baldwin in his study on "Family Desertion and Non-Support," it is very essential that the offense of desertion and non-support be raised to the grade of a crime, in order that it may become an extraditable offense, as many instances occur where the husband removes to another State, leaving his family helpless and destitute. But as thirty-eight States and Territories have made it a misdemeanor, and since under the Act of Congress of February 12, 1793, any person charged with the commission of a felony or other crime, is subject to extradition, the Conference substituted the word "crime" for "misdemeanor." In one State at least, South Carolina, and probably others, a misdemeanor is not punishable by confinement at hard labor.

5. Here will be inserted the place of imprisonment.

6. Unless there is a constitutional provision in any State limiting the term of imprisonment for a misdemeanor to one year or less, this clause "not exceeding two years" is clearly within the power of the Legislature. The Committee, when at Washington, adopted by way of amendment to Section IV of the printed report, now Section IV, the words "for a period not exceeding two years," but omitted to make a similar amendment to Section I. This clause is therefore added that Sections I and IV may correspond. While "twelve months" is the maximum term of imprisonment fixed by the District of Columbia Act, it has been found in practice that it often becomes necessary to begin proceedings *de novo* at the end of the first year. It was therefore thought best to increase the time to two years.

7. As stated above in Note 4, confinement at hard labor is never imposed in some States where the offense is only a misdemeanor. In other States the penalty "at hard labor" is not imposed except where the imprisonment is in the Penitentiary, or a Reformatory, or House of Correction. It rarely obtains where the imprisonment is in the County Jail; partly for the practical reason that in them there are neither appliances, nor space nor opportunities for what is known as "convict labor." But as the penalty provided in this Section reads, "with or without hard labor," the question will rest in the discretion of the court according to the penal provisions of the laws of each State. In some States "convict labor" has been either abolished or limited as the result of the influence of the Labor Unions.

In Maryland, at the Baltimore Penitentiary, "Contract Labor" is permitted by law. Recent investigations show that the labor of the prisoners enures not only to the benefit of the State, but of the prisoners themselves, who by working overtime earn for themselves or for the support of their families, fully as much as goes to the State. In the District of Columbia, which is under control of Congress, and therefore in a sense, *sui generis*, prisoners at hard labor may be compelled to work upon the streets of the City of Washington at a fixed wage per diem, and of their wages, under the Act of Congress of 1906, an amount equal to fifty cents a day is paid over to, or for the benefit of, the prisoner's family. It would be impracticable, perhaps, to insert a clause in this Bill providing for the employment of offenders under this Act upon the streets or

highways of the several municipalities or counties of each State under the term "at hard labor." Nevertheless, it is evident that if such provision could be adopted by each State, it would relieve the public at large from the expense of supporting the families of such offenders. Such a provision is well worth the consideration of every State.

SEC. II.—Proceedings under this Act may be instituted upon complaint made under oath or affirmation by the wife or child or children, or by any other person, against any person guilty of either of the above named offenses. (1)

1. The initial proceedings in all desertion cases should be instituted before the court of lowest jurisdiction. In some States this is a Justice of the Peace, in others a Municipal Court, in others a County or District Court. The point to be borne in mind in this regard is that the remedy be as simple and speedy as possible.

SEC. III.—At any time before the trial, upon petition of the complainant and upon notice to the defendant, the Court, or a Judge thereof in vacation, may enter such temporary order as may seem just, providing for support of the deserted wife or children, or both, *pendente lite*, and may punish for violation of such order as for contempt. (1)

1. This Section is in form the same as an amendment to Section IV of the printed Bill offered at Detroit by Mr. Noel, of Indiana. The purpose of the Section is plain; namely to provide for support for the family pending the beginning of the proceedings and the final order of the court. Where the proceedings are begun before a court of record, the application, of course, can be made at any time. Where the proceedings are begun before a Justice of the Peace, or other Magistrate, who must make his return to the court, it follows that the application under this Section cannot be made until such return has been filed with the Clerk of the Court. But that is a minor matter of procedure.

SEC. IV.—Before the trial, with the consent of the defendant, or at the trial, on entry of a plea of guilty, or after conviction, instead of imposing the penalty hereinbefore provided, or in addition thereto, the court in its discretion, having regard to the circumstances, and to the financial ability or earning capacity of the defendant, shall have the power to make an order, which shall be subject to change by the court from time to time, as circumstances may require, directing the defendant to pay a certain sum periodically, for a term not exceeding two years, (1) to the wife or to the guardian, curator or custodian of the said minor child or children, or to an organization or individual approved by the court as trustee; (2) and shall also have the power to release the defendant from custody on probation for the period so fixed, upon his or her entering into a recognizance, with or without surety, in such sum as the court or a Judge thereof in vacation, may

order and approve. The condition of the recognizance shall be such that if the defendant shall make his or her personal appearance in court whenever ordered to do so, and shall further comply with the terms of such order of support, or of any subsequent modification thereof, then such recognizance shall be void, otherwise of full force and effect. (3)

1. The term of one year in Section IV of the Bill as printed was changed by the Committee at Washington to read "not exceeding two years," for reasons stated in Note 6 to Section I.

Section I makes the offense of Desertion a crime, and prescribes the penalty; Section III secures support for the family by an order pendente lite; but as the main purpose of a Desertion Act is the protection and maintenance of the family, it is apparent that additional remedies are required. This Section endeavors to meet that need: a. By an order of support entered before trial with the consent of the defendant; b. By an order of support made if a plea of guilty be entered to the indictment; c. By an order of support made after conviction. All of these orders to be in lieu of, or in addition to the penalties prescribed by Section I.

3. This clause providing for release on probation is taken from the District of Columbia Act. The Desertion Acts of many States contain a similar provision which is found in practice to be very effective. The penalty of imprisonment, especially at hard labor, soon brings the wife deserter to a willingness to give surety for the support of his family, and a means is thus secured for enforcing the order of support authorized by the first paragraph of this Section.

SEC. V.—If the court be satisfied by information and due proof under oath, that at any time during said period of two years the defendant has violated the terms of such order, it may forthwith proceed with the trial of the defendant under the original charge, or sentence him or her under the original conviction, or enforce the suspended sentence, as the case may be. In case of forfeiture of recognizance, and enforcement thereof by execution, the sum recovered may, in the discretion of the court, be paid, in whole or in part, to the wife, or to the guardian, curator, custodian or trustee of the said minor child or children. (1)

1. This provision is taken from the District of Columbia Act which follows the Acts of Illinois, Louisiana and Virginia.

SEC. VI.—No other or greater evidence shall be required to prove the marriage of such husband and wife, or that the defendant is the father or mother of such child or children, than is or shall be required to prove such facts in a civil action. (1) In no prosecution under this Act shall any existing statute or rule (2) of law prohibiting the disclosure of confidential communications between husband and wife apply, (3) and both husband and wife shall be competent (4) witnesses to testify against each other

(5) to any and all relevant matters, including the fact of such marriage and the parentage of such child or children; (6) Provided that neither shall be compelled to give evidence incriminating himself or herself. Proof of the desertion of such wife, child or children in destitute or necessitous circumstances or of neglect or refusal to provide for the support and maintenance of such wife, child or children shall be *prima facie* evidence that such desertion, neglect or refusal is wilful. (7)

1. While under the Constitution of the United States, and probably of each State, no defendant can be compelled to incriminate himself, yet both in criminal and civil actions the issue of legitimacy or illegitimacy of children is a matter of frequent occurrence. This clause relating to a proceeding where a wife or husband, necessarily by the fault of the other, is forced to protect life or reputation, as a stranger would, permits the character of the proof to be such as would be required in a civil action—i. e., preponderance of proof may control.

2. Section VI as formerly printed refers simply to "existing provisions of law." But as "existing provisions of law" might be construed as including only statutory provisions and as not being broad enough to include judicial utterances upon *The Rule of Law* relating to confidential communications, the phrase is therefore changed to read "Existing Statute or Rule of Law."

3. This clause relating to disclosure of confidential communications between husband and wife opens a field for wide discussion. Under the Common Law the fiction of unity of husband and wife, and the farther fiction forbidding parties in interest to testify either for or against each other long obtained. The latter fiction has been abolished in most States. The former fiction has been abolished in many States both in criminal and civil proceedings where—

(a) The consent of the other party is given at the trial; or (b) Where the marital relation has been so violated by the act of either as to abolish the reason for the rule. The Constitution of the United States provides that "no person can be compelled in any criminal case to be a witness against himself." The Constitutions of many States provide that no person can be compelled in any criminal case "to give evidence against himself." But these constitutional provisions do not apply to or limit the power of the State Legislature to require the disclosure of confidential communications between husband and wife. The forbidding of such disclosures was the policy of the law; but if the confidential marital relation has been violated by the act of either party, the reason of the rule ceases. In such case the communications do not arise from the confidence of the parties in each other, but from the want thereof; and therefore even without statutory authority either party may testify to the same. *Seitz vs. Seitz*, 170 Pa., Page 171.

4. An exception to the rule excluding testimony of husband and wife against each other is to be found in cases of personal outrage by one on the other.

30 Amer. and Eng. Cyc., page 954.

This exception being based on public policy it follows that the injured spouse is not only competent but is compellable to testify if unwilling.

30 Amer. and Eng. Cyc., page 955, *Johnson vs. State*, 94 Ala., page 53; *Turner vs. State*, 60 Miss., page 351; S. C. 45 Amer. Rep., page 412; *Bramlette vs. State*, 21 Tex. App., page 611; see also "Cyc." pp. 961-2, (a)—(b); 46 Amer. Rep., page 241. In Pennsylvania, by the Act of May 23, 1887, P. L. 158, Section 2, it is provided that in criminal cases neither husband nor wife shall be competent to testify against each other "except in proceedings for desertion

and maintenance, and in any criminal proceeding against either for bodily injury or violence attempted, done or threatened upon the other"; and also that neither shall "be competent or permitted to testify to confidential communications made by one to the other, unless this privilege be waived upon the trial." A similar provision will be found in the statutes of many States. It is therefore apparent that it lies in the power of the Legislatures of each State to abrogate the Common Law rule forbidding husband or wife to testify against each other (whether in criminal or civil proceedings), and forbidding the disclosure of confidential communications. No constitutional prohibition is violated thereby.

5. In Section VI of the Detroit report the clause read, "testify to any and all relevant matters." At the meeting at Detroit in August, 1909, the words "against each other" were inserted after the word "testify." The reasons for such amendment have been given in Notes (3) and (4) *supra*.

6. Since, as explained in Note 1, the first paragraph of this Section limits the proof of the parentage of children to the character of proof required in civil actions, it would seem that this last clause relating to "the fact of marriage and the parentage of any child or children," cannot be construed to compel either parent to incriminate himself or herself, but to avoid all doubt upon this point it has been thought wiser to add the proviso.

7. Section VI of the Detroit Bill, included only the words "desertion" and "neglect," whereas Section 1 included the words "desert, neglect or refuse." The words "desert, neglect or refuse," are well established and generally adopted in statutes of this character; therefore, the same terminology as obtains in Section 1 has been adopted.

SEC. VII.—It shall be the duty of the sheriff, warden, or other official in charge of the County Jail, or of the custodian (1) of the Reformatory, Workhouse, or House of Correction, in which any person is confined on account of a sentence at hard labor, under this Act, to pay over to the wife, or to the guardian, curator or custodian of his or her minor child or children, or to an organization or individual approved by the court as trustee, at the end of each week, for the support of such wife, child or children, a sum equal to for each day's hard labor performed by said person so confined. (2)

1. The term "custodian" is generic. In each State the proper title of the official in charge of the Reformatory, Workhouse, or House of Correction should, perhaps, be substituted.

2. This Section is copied from Section III of the District of Columbia Act with one or two verbal changes.

In order to carry out the provisions of this Section there must, of course, be additional legislation in each State specifically providing for "contract" or "convict" labor; and a fund provided, from which to draw for the purposes covered by this Section. As stated before, the District of Columbia is *sui generis* in this regard. Congress makes an annual appropriation to this end. In the District of Columbia, desertion offenders are put at "hard labor" upon the streets under "contract labor." The method there in vogue of treating desertion offenders is worthy of study and imitation by every State.

SEC. VIII.—This Act shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of those States which enact it. (1)

1. This Section was not adopted by the Conference at the Chattanooga meeting, but as the title was amended by adding the clause "And to promote uniformity between the States in reference thereto," it of course becomes necessary to insert the language of this Section in this Act as in all other uniform Acts.

SEC. IX.—Repealing clause.

SEC. X.—This Act shall take effect the day of , Anno Domini 19....

AN ACT

RELATIVE TO WILLS EXECUTED WITHOUT THIS STATE AND TO PROMOTE UNIFORMITY AMONG THE STATES IN THIS RESPECT

SECTION 1.—Be it enacted, etc., that a last will and testament executed without this state in the manner prescribed by the law, either of the place where executed or of the testator's domicile, shall be deemed to be legally executed, and shall be of the same force and effect as if executed in the mode prescribed by the laws of this state; provided, said last will and testament is in writing and subscribed by the testator; and provided further that nothing herein contained is intended to repeal that provision of section eleven of the act entitled "An Act Relating to Corporations and to estates held for Corporate, Religious and Charitable Uses," approved April 26, A. D. 1855, which requires that bequests or devises for religious or charitable uses shall be executed "at least one calendar month before the decease of the testator."

ALEX. SIMPSON, JR., Philadelphia: I move that the report be received, and postponed for consideration to the proper time.

Duly seconded, and agreed to.

THE PRESIDENT: Next is the report of the Special Committee on Legal Ethics.

NATHANIEL EWING, *Chairman*, Fayette: The report is in print and has been distributed. It is as follows:

REPORT OF THE SPECIAL COMMITTEE ON LEGAL ETHICS

To the Pennsylvania Bar Association:

GENTLEMEN:—At the last meeting of the Association this Committee was directed to “consider and report to this Association at its next meeting, whether there remain subjects which should be added to the adopted Code, either directly, or by the course of recommending the same for adoption by the American Bar Association, and accepting the addition of these Canons by it.”

Inasmuch as the previous work of this Committee differs in form rather than in substance from the Canons of the American Bar Association, saving and excepting with respect to the precepts particularly applicable to the judiciary, which said Canons do not embrace, it is concluded that the aforesaid resolution refers especially to said precepts, which are now, with the form of expression thereof changed to more nearly conform to the style of said Canons, hereby reported to this Association for its action thereon.

These precepts were formulated originally because it was believed that they are important rules of conduct which all judges should recognize and respect; because it was thought not amiss, since judges are also but men, that they should be reminded of these rules; and because of the conviction that no such work on legal ethics can be regarded as complete without them. And such is the opinion of your Committee now. It is an anomaly to prescribe rules of conduct for the Bar and to ignore the Bench, when the Bench should always be a reliable example and pattern for the Bar.

Whether these rules or precepts should be added to the adopted Code, “either directly, or by the course of recommending the same for adoption by the American Bar Association,” is a question which, we think, hardly admits of two views. It is in no wise incumbent upon this Association

to predicate its action only upon that of the American Bar Association, and we would assume neither a very dignified nor independent position if we should submit these rules to that Association for adoption by it without at least having adopted them first ourselves. The adoption of them here will lead the way, and will be the best evidence of our attitude respecting them.

We propose, therefore, the following for adoption by this Association as an addendum to the Code adopted last year:

WITH RESPECT TO JUDGES

The vast importance of the judicial branch of our Government demands that the Bench shall be kept pure and reliable and enjoy the full confidence of the public. To this end none can contribute greater support and influence than the judges themselves, and without their consistent aid the efforts of all others will be but in vain.

A judge occupies a unique and pre-eminently responsible position, enjoys a distinction, attracts an attention and exercises an influence possessed by no other; and upon his conduct and demeanor, both in and out of court, more than upon all other factors, depend public respect for the law and confidence in its due administration. All his words and acts are carefully noted and closely scrutinized. It is, therefore, of the utmost consequence that he so guide and guard his life that it shall furnish no just ground for suspicion of either his impartiality or of his integrity; for whatever tends to create doubt of his fairness or of his honesty, tends also to provoke contempt for the law and distrust of its administration. He should avoid, even in minor matters, any actual or apparent violation of the law which on the Bench it is his duty to enforce against others. His private life should be clean and free from reproach. For these reasons he should be modest in his demeanor, an exemplar of obedience to law, and of the highest type of citizenship.

and his attitude in the community should be that of one so wholly devoted to and engrossed in the proper discharge of the duties of his office, that he has no inclination to take part in either party politics, active business, or any public agitation. The active participation of a judge in party politics, whether it be in the private counsels of the leaders, or in the public conventions, meetings or demonstrations of the party, is one of the most fruitful and pernicious sources of dissatisfaction with the Bench and with its rulings. A similar result follows from his alliance with any active business, or his connection with matters exciting public feeling.

A judge should be diligent in his business, and should permit no avoidable delay whereby injury may result to any party, remembering always that from the days of Magna Charta until now it has been uniformly declared, as expressed in the present Constitution of this State, that litigants are entitled to have "right and justice administered without sale, denial or delay"—the three being always conjoined. In the discharge of his official duties the judge should be influenced by nothing—not even by his own personal opinion—apart from the law applicable to the facts and equities of the cause before him. He should not converse with lawyers about their pending cases unless both sides are represented. In interrogating counsel he should avoid any appearance of bias, and he should never, by word or act, appear to favor or to discredit any attorney, much less to influence or to oppose his employment.

Attorney and client alike are entitled to the patient attention of the Court, and the judge should never permit himself even to appear inattentive or impatient. The attention and courtesy due from the Bar to the Bench are equally due from the Bench to the Bar, and will be especially appreciated and reciprocated by the junior members.

The judge is no less a social being than other men, and no just criticism can be made of him because he continues those friendships which he formed when at the Bar, or

because he thereafter forms new attachments; but he should neither permit his conduct in court to proclaim his friends nor his public companionship with them to be ostentatious.

Respectfully submitted,

NATHL. EWING, *Chairman*.
ALEX. SIMPSON, JR.,
C. LA RUE MUNSON,
CYRUS G. DERR,
EDWIN Z. SMITH,
Committee.

GEORGE C. LEWIS, Allegheny: I move the report be received.

Duly seconded, and agreed to.

THE PRESIDENT: Next is the report of the Special Committee on Constitution of Courts in Pennsylvania.

HAROLD M. MCCLURE, *Chairman*, Union: Our report is in print and before the members of the Association; and there is a brief supplemental report. I presume the two will be taken up together when the time comes.*

SUPPLEMENTAL REPORT OF THE SPECIAL COMMITTEE ON CONSTITUTION OF COURTS IN PENNSYLVANIA

To the Members of the Pennsylvania Bar Association:

GENTLEMEN:—At the meeting of the Association held at Bedford Springs, in June, 1909, your Committee was requested to consult with the local Bar Associations of the State, and ask their judgment upon the questions presented

*Only the supplemental report submitted at the 1911 meeting is here printed. The earlier reports of this Committee may be found as follows: Fourteenth Annual Report of the Pennsylvania Bar Association, 1908, page 271; Fifteenth Annual Report, 1909, page 186; Sixteenth Annual Report, 1910, page 189.

in the arguments of the members on the motion to adopt the report of your Committee:

First.—Whether or not it is wise to consolidate the Supreme and Superior Courts, and have the Court sit in two divisions; or

Second.—To consolidate it as one Court; or

Third.—To retain the present constitution of the Courts.

Your Committee endeavored by a circular letter directed to the Presidents or Secretaries of the various Bar Associations of the State to obtain their views on these questions. So few of the local Associations responded to the letter before our last meeting at Cape May that your Committee was then requested to urge all the Associations throughout the State to make answer. We again asked the various Associations to take some action on the questions involved. The Associations of Clearfield, Erie, Forest, Jefferson, Lebanon, Snyder, Tioga and Union, have reported in favor of consolidating the Supreme and Superior Courts, the Court to sit in two divisions. Bradford would consolidate the Courts as one Court. Allegheny, Blair, Centre, Lancaster, Mifflin, Philadelphia, Somerset, Warren and Washington, favor the present constitution of the Courts. The Cameron County Association was unable to agree upon the questions. The Butler, Delaware and Northumberland Associations referred the question to Committees. No action was taken by the Cumberland, Columbia, Carbon, Indiana, Lycoming, Lackawanna, Luzerne, and Montgomery Associations. All of the other Associations failed to reply to your Committee's letters.

Respectfully submitted,

CHARLES M. CLEMENT,

FRANK C. MCGIRR,

H. S. P. NICHOLS

HENRY C. NILES,

HAROLD M. MCCLURE, *Chairman*

JOHN A. NAUMAN, Lancaster: I move that the reports be received, and taken up for consideration in the regular order at later session.

Duly seconded and agreed to.

THE PRESIDENT: The report of the Special Committee on Contingent Fees.

JOHN B. COLAHAN, JR., Philadelphia: In the absence of Judge Beitler, I will present the report. It is brief and may as well be disposed of.

REPORT OF SPECIAL COMMITTEE ON CONTINGENT FEES

To the Members of the Pennsylvania Bar Association:

GENTLEMEN:—Your Committee on Contingent Fees has already submitted two reports, one at the meeting held in 1909, and another at the meeting held in 1910. In the latter it recommended for approval an Act of Assembly placing the matter of contingent fees expressly under the supervision of the Court. For matters, developed in the course of the debate on this act, the Committee requested that it be recommitted, which was done. See Annual Report for 1910, pages 298-321.

At our meeting in 1910, by a resolution unanimously adopted, the Legislature was asked "to authorize the appointment of a Commission to inquire into the working of the present laws regulating the liability of employers for industrial accidents; the comparative justice, merits, and defects of the laws of other States and countries relating to the subject, as well as the causes of such accidents; with power in said Commission to recommend such new law or laws as it may deem wise, having due regard to the con-

stitutionality of the same, to the end that the defects in our present laws, if any be found to exist, may be effectively remedied."

The Governor of the State recommended in his message to the Legislature at the beginning of the session in January, 1911, the appointment of such a commission, and subsequently a concurrent resolution was adopted by the Legislature authorizing the appointment of a Commission consisting of seven members: two employers of labor, two employees of industrial establishments of this Commonwealth, or duly accredited representatives thereof, two persons learned in the law, and one person "of skill and experience in making investigations," to inquire into the "causes and results of industrial accidents in the mines, mills, factories, stores, and upon the railroads, ships, wharves, and in all industrial establishments in this Commonwealth," the Commission being instructed "to study the most advanced methods for safeguarding against these accidents and to inquire into the subject of a fair compensation for those injured in these accidents and for the families of those who shall be killed as a result thereof." The resolution carried with it an appropriation of \$15,000, to be included in the General Appropriation Bill, and the Commission was directed to report its findings, and a recommendation for whatever legislation it might deem advisable, to the Legislature which should convene in 1913.

Your Committee has had several conferences with the Governor and Attorney General on the subject, finding both greatly interested and helpful in the matter. The investigations of the Commission will necessarily include a consideration of the question of contingent fees, and we believe that until the Commission makes its report, which must be to the Sessions of 1913, it is unwise to do anything in the matter except so far as may be helpful to the Commission.

Your Committee therefore reports progress, and would ask to be continued.

Respectfully submitted,

ABRAHAM M. BEITLER,
JOHN B. COLAHAN, JR.,
FRANCIS FISHER KANE,
JOHN S. RILLING,
JOHN W. APPEL,
A. LEO WEIL,
S. J. STRAUSS,

Special Committee on Contingent Fees.

T. ELLIOTT PATTERSON, Philadelphia: I move that the report be received, and the Committee continued.

Duly seconded, and agreed to.

THE PRESIDENT: Next is the report of the Special Committee on the Attorney-General's Department.

M. HAMPTON TODD, *Chairman*, Philadelphia: In view of the fact that I requested the members of the Committee to meet, and in view of the fact that they were all ex-Attorney-Generals, and that none of them would act, I was unable to reach any beneficial result. I therefore move that the Committee be discharged from further consideration of the subject.

Duly seconded, and agreed to.

THE PRESIDENT: The report of the Special Committee on Digesting of Statutes.

THE SECRETARY: I have received no report from that Committee.

THE PRESIDENT: There being no report from this Committee the next in order is the Report of the Special Committee on Judiciary Department.

THOMAS S. BROWN, *Chairman*, Allegheny: As we were not able to furnish our report in time to have it printed, I will read it.

Mr. Brown then read the following report:

REPORT OF SPECIAL COMMITTEE ON JUDICIARY DEPARTMENT

To the Pennsylvania Bar Association:

The subject which this Committee has been requested to consider was referred to it by a resolution of the Association at the Annual Meeting in 1909. The Committee made two reports—a majority and a minority report—to the Annual Meeting of 1910; and thereupon without discussion by the Association, the whole subject was referred back to the Committee for further report.

Your Committee, in obedience to your mandate, has given the whole subject further consideration and now presents its second report. Said reports of 1910 are found on pages 209 to 239 of the report of the proceedings of that year, and discuss the subject, in its several features, with such fullness that no further general discussion will now be presented; except the following points which were not then considered and are thought appropriate for presentation now.

The attention of your Committee has been called to the fact that political influences are sometimes brought to bear in the selection and calling in of Judges from other judicial districts to hear cases where the resident Judge either is personally interested, or does not wish to assume the responsibility of trying, on account of the effect upon his political future.

The Act, approved April 27th, 1911, providing for the assignment of Judges to districts other than their own, does not remedy this condition of things, because it permits the resident Judge to select from the Judges registered with the

Prothonotary of the Supreme Court the one that he wishes to call upon. As a remedy for the condition complained of, we would suggest that the Act of April 27th, 1911, be amended so as to require that the Judges should be assigned in rotation, as their names appear upon the "Judicial Assignment Register," and that resident Judges be not allowed to call in Judges from other districts, otherwise than under the provisions of said Act as amended, except in special cases provided for by other Acts of Assembly.

Another evil greatly complained of by both counsel and litigants is the delay in deciding cases, and complaint has been made to your Committee that this delay in some instances, at least, is due to political influence. The ordinary and oftentimes unavoidable delay in securing the disposition of a case is sufficiently annoying and detrimental to the profession, but when added to this, the Judge called in specially to hear some particular case, for no apparent legal reason, holds up the decision for months or years, there are grave reasons for suspicion of undue influence, and there exists a condition of affairs that it is the duty of the profession to remedy. We believe that this evil could be cured by the enactment of a law requiring all cases to be decided by the lower Courts within some definite time limit after they are finally argued.

The report of the majority of the Committee last year recommended, with respect to the mode of selection and the term of office of the judiciary, that all Judges of the Commonwealth be elected, by popular vote (as now is done) for terms of twenty-one years, without eligibility for re-election, but with a provision for retirement on pension, after a full term of service, and having reached the age of sixty-five years.

It was thought that these provisions would minimize, if not eliminate, the evils of political influences in the selection of our Judges.

The minority of the Committee disagreed with that recommendation.

The further consideration of the subject has resulted in somewhat of a change of sentiment on this point in the minds of the majority of the members of the Committee; and the majority of the Committee (four of the seven members) now agree in favoring the system of selecting Judges by appointment instead of by election, which would, of course, require an Amendment to the Constitution of the State; and we so report. But as to the manner and conditions of such appointment, by whom to be made, whether the system should be applied to all Judges or only to those of the Common Pleas and Orphans' Court, what the length of the terms of office should be, and whether there should be eligibility for reappointment or not, the views of the several members are so diverse that no positive recommendations can be made by this Committee.

Upon the subject of the advisability of depriving the Judges of all powers of appointment to offices and positions not directly connected with the Courts and the administration of the law, the majority of the Committee agrees to report its recommendation of a year ago, to wit:

"That the sentiment and influence of this Association should be directed against further increase or extension of the power of appointment by Judges, of officials not directly connected with the conduct of the business of the Courts of justice in this Commonwealth."

Upon the subject of removing the power and duty of granting liquor licenses from the Courts of Quarter Sessions, the majority of the Committee still holds to the opinion, expressed in both reports of last year, that such a course is very desirable, and would be of great relief and advantage to the Judges themselves, and would naturally lessen the undesired influence of politics upon the judiciary.

But upon the subject of the tribunal which should be established to take the place of the Courts and perform this function, the views and sentiments of the members of the Committee are again so diverse that it has been found impracticable to make a recommendation upon which a majority could agree.

The fact that a bill was presented to the Legislature this year, providing for the establishment of an Excise Commission to which this power should be transferred, and that that bill failed of passage, is suggestive of the practical difficulty on this point which arises in the minds of some of the Committee, and which was mentioned in our last report; that is to say, the improbability that the people of the State will be found willing to agree to any such change. The majority of the Committee is of the opinion that if the appointive system for the selection of the Judges should be adopted, the evils of political influences in this feature of the situation would be greatly reduced if not avoided altogether; though the Judges would still be left to bear the burden of this difficult, disagreeable and altogether non-judicial duty.

The subject of the kind and character of the tribunal which should be established to take the place of the Courts in the performance of the function of granting liquor licenses is so distinct, in itself, from the other features of the subject referred to this Committee that it has been found, as above stated, that the majority of the Committee cannot agree upon this point; and it would appear to be a subject appropriate for reference, by itself, to a committee for investigation and recommendation, in case the Association should decide to take action on this subject, to the effect that the liquor license business should be withdrawn altogether from the Quarter Sessions Courts.

Messrs. Budd, Schaeffer and Sharpe, of the Committee, wish to have recorded their dissent from the recom-

mendation favoring the appointment of Judges; and Mr. Hipple doubts the propriety and utility of any action being taken by the Association upon the subject-matter referred to the Committee.

Respectfully submitted,

THOMAS STEPHEN BROWN,
Chairman.

THE PRESIDENT: What shall be done with this report?

CHARLES D. GILLESPIE, Allegheny: I move the report be received and filed.

Duly seconded, and agreed to.

THE PRESIDENT: The next is the report of the Special Committee on Jury System.

THE SECRETARY: I have no report from that Committee.

THE PRESIDENT: Next is the report of the Special Committee on Revision and Unification of Statutes.

CHARLES WETHERILL, JR., *Chairman*, Philadelphia: The report is in print. I believe that when a Committee is appointed and by any mischance fails to do its work, it ought to come in and say so, and report progress; and that is what we have done, and ask to be continued.

REPORT OF THE SPECIAL COMMITTEE ON REVISION AND UNIFICATION OF THE STATUTES

The Special Committee on the Revision and Unification of Statutes of Pennsylvania respectfully begs leave to report that at the last meeting of the Pennsylvania Bar Association your Committee was appointed upon the fol-

lowing resolutions contained in the report of the Committee of Comparative Jurisprudence, and which were unanimously adopted:

"Resolved, That this Association recommend to the Legislature at its next session that it provide for the appointment of a Commission on the Revision and Unification of statutory law.

"Resolved, That the President appoint a Special Committee of five members to draft and present to the next Legislature an appropriate Act authorizing the Governor to appoint a Commission to examine and consider the statutes in force, report those acts proper to be repealed as obsolete and needless, and prepare a concise and practical revision and unification of the statutes of Pennsylvania not so reported for repeal."

Your Committee accordingly met on the 28th day of November, 1910, and at a number of subsequent days on which the subject-matter referred to them was carefully considered. It was for a time doubtful whether the subject-matter to be referred to such Commission might not be advantageously referred to the Commission already empowered for the consideration of the laws relating to taxation and revenue. It was finally thought advisable to draft an act following the instruction of the resolution appointing the Committee, and accordingly the Committee prepared the draft of the act, as follows:

"An Act providing for the appointment of a Commission to revise and unify the laws of the Commonwealth directing them to report certain parts thereof to the next session and making an appropriation therefor.

*"SECTION 1. Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in general assembly met, and it is hereby enacted by the authority of the same that the Governor appoint a Commission of seven persons of whom the Attorney-General *ex officio* shall be one, to be known as the Commission on the Revision and Unification of the Law.*

"SEC. 2. Said Commission shall have power to elect its own Chairman, to employ legal counsel and such other officers and employees as may be needed to enable it to properly perform its duties.

SEC. 3. Said Commission is hereby directed to prepare a revision and unification of the laws of this Commonwealth and report the same to the Legislature.

"SEC. 4. Said Commission is hereby directed to report to the next session of the Legislature so much of the Revision and Unification as pertains to the law of private business associations and such other portions of the laws as they have prepared by that time.

"SEC. 5. The members of the Committee shall be appointed for the term of four years, any vacancy occurring shall be filled by the appointment of the Governor for the unexpired term.

"SEC. 6. The sum of \$6000 or so much thereof as may be necessary be and the same is hereby appropriated for the expenses of the said Commission."

That the Committee on consideration reached the conclusion that the work of revision of the statute law will necessarily require labor for a number of years; that it will have to be done title by title; and that the commercial law so far as is effected by statute is that title on which the most effective work can be done at first. For these reasons the fourth section of the draft for the Act of Assembly was so worded as to indicate the law of private business associations as the first special work of the Commission.

On the 17th of February, 1911, the above draft was forwarded by your Committee to the Honorable John E. Fox and Honorable William H. McClung, members of the Committee who were members of the Legislature, for the purpose of having the same duly approved by the Legislature and Governor. The said members gave to the work their best efforts to have the bill passed. Your Committee regrets to state that the illness of the Honorable William H. McClung largely prevented his action in the

matter, and also that his continuing illness prevents his joining with us in the report which we now make, he being in Wyoming for the benefit of his health. That the Honorable John E. Fox reported that the Committee on Judiciary General misunderstood the purpose of the bill and supposed that a general codification of the law was contemplated, and by the time that this error had been explained so much time had passed that it was with extreme difficulty that the draft could have become a law. That on the 25th of April, 1911, the Honorable John E. Fox reported that the bill was before the Senate of Pennsylvania on third reading and failed to secure a sufficient number of votes for its passage. The efforts of your Committee therefore to obtain the legislation desired by the Pennsylvania Bar Association have failed. Your Committee is, however, of the opinion that the necessity for revision of the statutory law is as imperative as it was when this Committee was appointed and that a movement for a proper repeal of obsolete legislation and for a revision of the statutory law of the Commonwealth is as great as ever, and that this being a necessary revision both to the people of the Commonwealth and to the Bar and Judicial Body whose duty it is to advise upon and administer it, this present failure should only be considered as a delay in the work of obtaining the needed reform. Legislation, however, cannot be obtained until the next session in 1913, and the practical work must therefore be delayed until that time. Your Committee, however, is of the opinion that the members of this Association and of the Bar and the public generally, should be duly informed of the need and the importance of this work. For that reason, and that the work of education may go on, this Committee, while it cannot make any report as to legislation at present, would suggest that it be continued, that the work may be taken up actively and hopefully at the proper time.

This Committee in this connection would also suggest that this Committee, or one especially appointed for the purpose, might well be instructed to express to the existing Commission on Corporations and Revenue the opinion of the Pennsylvania Bar Association that the Commission would perform a useful work if it would submit to the Legislature of 1913 a careful revision of the law of private business associations, as distinguished from Public Service Corporations, and to state that the Committee has been authorized to assist the Commission in every way possible to revise this title of the statutory law. The Committee would therefore recommend the following resolution:

Resolved, That the Special Committee on the Revision and Unification of the Statutes of Pennsylvania be continued with instruction so far as possible to inform the members of this Association, and of the Bar and public generally, of the need and importance of statutory revision; and also to express to the Commission on Corporations and Revenue the opinion of this Association that the said Commission would perform a useful work if it would submit to the Legislature of 1913 a careful revision of statutory laws of private business associations as distinguished from public service corporations, and if the said Commission takes up such work of revision, to assist it in every way possible in such work.

The Committee would state that Mr. Smithers was absent when this report was prepared, and has not been consulted as to the recommendations of the Committee for that reason.

Respectfully submitted,

WILLIAM DRAPER LEWIS,

JOHN E. FOX,

CHARLES WETHERILL,

Chairman.

ALEX. SIMPSON, JR., Philadelphia: I move that the report be received, and the Committee continued.

Duly seconded, and agreed to.

WALTER GEORGE SMITH, Philadelphia: I move that all Special Committees that have made no report and have not asked to be continued be discharged from further consideration of the subjects assigned to them.

Duly seconded, and agreed to.

THE PRESIDENT: Next is the report of the delegates to the American Bar Association.

ROBERT E. UMBEL, *Chairman*, Fayette, read the

REPORT OF THE DELEGATES TO THE AMERICAN BAR ASSOCIATION

BEDFORD SPRINGS, June 27, 1911.

To the President and Members of the Pennsylvania Bar Association:

GENTLEMEN:—Your delegates respectfully report:

The Thirty-third Annual Meeting of the American Bar Association, the Third Annual Meeting of the Comparative Law Bureau, the Tenth Annual Meeting of the Association of American Law Schools and the Twentieth Annual Conference of the Commissioners on Uniform State Laws were held in the City of Chattanooga, Tenn., the latter part of August and the first day of September, 1910.

The proceedings of this convention, with the addresses made, papers read, reports of committees and discussions in all these meetings are set forth *in extenso* in Vol. XXXV, Report of American Bar Association, 1910, reference to which must be had to appreciate and understand the many important matters considered. You will find a perusal of this report well worth while.

The address of welcome by James B. Frazier, United States Senator from Tennessee, was a masterpiece in thought, sentiment, diction and delivery, replete with beautifully expressed statements of local historic events and

pathetic patriotic gems. Speaking of the great war, he stated that when it was over the men of the South said: "Having appealed to the Court of last resort and the decision being against us, we will accept in good faith and as final every fair and legitimate result of the war. Let the dead past bury its dead, and let us, not apologizing for what we have done, not forgetting the glories we have won nor the sacrifices we have made, turn our faces to the future, and with diligent hands and loyal hearts help to make here a freer, a richer and a greater republic, in one, than could have lived upon this continent if divided into two."

Responding to which, President Libby said, *inter alia*, "I can assure Senator Frazier that we Yankees from the East rejoice in the growth and prosperity of the South. As lawyers we know neither North nor South, neither East nor West, but one profession and one country. May I express the hope that this meeting in the South will be productive of good to us all, and strengthen the bonds of union between us, not only as members of the legal profession, but as citizens of this great Republic?"

The meetings were attended by Delegates William Draper Lewis and Robert E. Umbel and Alternate William Righter Fisher and the following other members of this Association. viz.: William D. Crocker, Robert D. Jenks, Francis J. O'Connor, Francis Rawle, Robert P. Shick, Walter George Smith, William W. Smithers, William H. Staake and Francis K. Swartley.

The reports of the Secretary, of the Treasurer, of the Executive and other Committees, show that the affairs of the Association are in good condition and that the live, active working members are striving to attain the object of the Association: "To advance the science of jurisprudence, promote the administration of justice and uniformity of legislation throughout the Union, uphold the honor of the profession of the law and encourage cordial intercourse among the members of the American Bar."

The President's address, covering eighty-seven printed pages, was delivered by Charles F. Libby, of Maine, "communicating the most noteworthy changes in statute law on points of general interest made in the several States and by Congress during the past year," expressing himself as opposed to the growing sentiment in favor of the election of United States Senators by direct vote of the people, saying, "The principle which it involves is far-reaching, and, if successful, it is the beginning of the end of our present form of government." He also seriously questions the wisdom and propriety of the "initiative and referendum." He quotes approvingly from the opinion of the Court in *Rice vs. Foster*, 4 Harr. 479: "Wherever the power of making laws, which is the supreme power in a State, has been exercised directly by the people under any system of polity and not by representation, civil liberty has been overthrown. Popular rights and universal suffrage, the favorite theme of every demagogue, afford, without constitutional control or a restraining power, no security to the rights of individuals or to the permanent peace and safety of society."

The Annual Address was made by Governor Woodrow Wilson, of New Jersey, on "The Lawyer and the Community." It was fine, and was another strong link in the chain of evidence of the wonderful ability of this great and scholarly statesman, and expressed his faith in the ability of "the lawyer" to assist materially in solving the many complex problems that confront us and our institutions as a "community."

Interesting and instructive papers were read by Charles W. Moores, of Indianapolis, on "The Career of a Country Lawyer—Abraham Lincoln"; by W. A. Henderson, of Washington, D. C., on "The Development of the Honorarium," a dissertation on the work and wages of the lawyer; by George A. King, of Washington, D. C., on "Liability of the United States for Use of Patented Inventions"; by William Draper Lewis, Dean of the Department of Law

of the University of Pennsylvania, on "The Honor System of Conducting Examinations in Law Schools"; by William Miner Lile, Dean of the Law School of the University of Virginia, on "The Honor System"; by Andrew R. McMaster, of Montreal, Canada, on "Regulations Governing Admission to the Bar of the Province of Quebec"; by Edward S. Cox-Sinclair, of London, England, on "Requirements for Admission to the Bar in Great Britain and Her Possessions and on the Continent of Europe"; by Manuel Rodriguez-Serra, of San Juan, Porto Rico, on "Admission of Attorneys from the Spanish Standpoint"; by Hugh K. Wagner, of St. Louis, on "Mechanical Equivalents"; and the following addresses, viz.: Annual Address of the Director of the Bureau of Comparative Law, by Simon E. Baldwin, of Connecticut; Annual Address of the Chairman of the Section of Legal Education, by W. O. Hart, of New Orleans; address on "Organization and Operation of a Law School," by John C. Townes, of Austin, Texas, President of the Association of American Law Schools; address by Walter George Smith, of Pennsylvania, as President of the Conference of Commissioners on Uniform State Laws.

An inspection of which list and of the names of the able, distinguished men is warrant of the interest attending and the success of all these meetings, and our regret was that every member of this Association could not be present, secure the benefits and participate in the pleasures.

Before adjourning *sine die*, the Association elected as its President for the ensuing year Edgar H. Farrar, of Louisiana. Members of this Association were elected to the following positions, viz.: Vice-President, Francis Fisher Kane; Member of General Council, William H. Staake; President of Conference of Commissioners on Uniform State Laws, Walter George Smith; Secretary Comparative Law Bureau, William W. Smithers; and Local Council for Pennsylvania, William Righter Fisher, Robert D. Jenks,

Francis Rawle, E. W. Smith, Francis K. Swartley and Robert E. Umbel.

While a spirit of earnestness and attention to the work in hand pervaded the whole affair, the social features were by no means neglected. The committees of the local Associations, as well as many other interested citizens, were wide-awake, worked together and assisted in entertaining us in such manner as to confirm the proverbial idea of "true Southern hospitality." The convention closed with the annual dinner at the Hotel Patten Thursday evening, September 1, 1910, the best part of which function was the affable, entertaining manner of our own Walter George Smith as toastmaster.

In the language of our lamented late Colonel John I. Rogers, "Let us recommend a greater attendance at the sessions of the American Bar Association by its members from Pennsylvania, and an increase in such membership from our own ranks. * * * Let every qualified Pennsylvania lawyer, not already enrolled, swell the ranks of this his State Association, and then let him, if circumstances permit, also apply, if he has not already done so, for admission to the American Bar Association."

Respectfully submitted,

ROBERT SNODGRASS,
WILLIAM DRAPER LEWIS,
ROBERT E. UMBEL,
Delegates.

THE PRESIDENT: You have heard the report; what shall be done with it?

EDWARD E. ROBBINS, Westmoreland: I move it be received and filed.

Duly seconded, and agreed to.

THE PRESIDENT: Next in order is the report of the Delegates to the Comparative Law Bureau.

ROBERT P. SHICK, Philadelphia: In the absence of Mr. Smithers, I beg to present the following:

REPORT OF DELEGATES TO COMPARATIVE LAW BUREAU

The delegates of the Pennsylvania Bar Association to the Annual Meeting of the Comparative Law Bureau of the American Bar Association, held in the Municipal Building, Chattanooga, Tennessee, on Monday, August 29, 1910, at 2.30 p. m., report as follows:

A large number of delegates attended on the date mentioned, representing various Bar Associations, Universities, Law Schools and other bodies having membership in the Bureau. The Annual Address delivered by the Director of the Bureau, Hon. Simeon E. Baldwin, former Chief Justice of Connecticut, was a most interesting review of the progress made by the science of comparative law and strongly indicative of the growing attention that the subject is receiving in this country.

At the close of the Annual Address the reports of the Board of Managers and the Treasurer were received and passed upon, and officers for the ensuing year elected as follows: Director, Simeon E. Baldwin; Treasurer, Eugene C. Massie; Secretary, William W. Smithers; Assistant Secretary, Robert P. Shick.

The report of the Committee on the Translation of the Laws of the Insular Possessions, in the absence of Robert J. Kerr, the Chairman, was presented by E. G. Lorenzen and Joseph Wheless, two of the members of the Committee. It was as follows:

"After a careful examination and comparison of the War Department translation of the Spanish Civil and Commercial Code with the original Spanish Texts it is agreed

by all members of your Committee that such translation might be substantially improved by a revision, by some one skilled in both the Spanish and English languages and systems of law.

"In view of the fact, however, that the Philippine Legislature at its last session passed an act creating a Code commission

"For the purpose of revising the Civil, Commercial, Penal and Procedure Codes which have been in force to date and the Mortgage and Land Registration Acts, and to prepare new codes upon said matters in accordance with modern principles of the science of law and with the custom of the country;

"The undersigned majority of your committee deem it unnecessary that any action in the premises be taken by this Bureau and they, therefore, respectfully ask that the committee be discharged."

Your delegates do not deem it necessary to present a report more in detail because the entire proceedings of the Bureau, together with the text of the Annual Address, appear in the Report of the American Bar Association for 1910, and an abstract of the proceedings having also been published in the *Legal Intelligencer* of Philadelphia.

Respectfully submitted,

WM. W. SMITHERS
ROBERT P. SHICK

ALEX. SIMPSON, JR., Philadelphia: I move the report be received and filed.

Duly seconded, and agreed to.

W. U. HENSEL, Lancaster: I move that the President appoint a Committee of seven members of the Association on nomination of officers other than President to report at the last session of this meeting.

Duly seconded, and agreed to.

The President appointed the following Committee on Nominations:

WILLIAM U. HENSEL	Lancaster.
HENRY J. STEELE	Northampton.
ALEX. SIMPSON, JR.	Philadelphia.
EDWIN Z. SMITH	Allegheny.
EDWARD W. BIDDLE	Cumberland.
HORACE P. GLOVER	Union.
JOHN B. BROOKS	Erie.

ALEX. SIMPSON, JR., Philadelphia: I move that we adjourn.

Duly seconded, and agreed to.

Adjourned.

FIRST DAY, EVENING SESSION

TUESDAY, *June 27, 1911.*

The Association reconvened at 8 o'clock p. m. President SMITH in the Chair.

THE PRESIDENT: Gentlemen of the Pennsylvania Bar Association and Distinguished Guests: We have with us to-night the Hon. ANDREW JACKSON MONTAGUE, of Virginia, who will speak to us on the subject of "A More Effective Cabinet"—GOVERNOR MONTAGUE.

(For Address of Hon. ANDREW JACKSON MONTAGUE on "A MORE EFFECTIVE CABINET," see Appendix.)

WILLIAM H. STAAKE, Philadelphia: Mr. President: I would move that the thanks of the Association be tendered to Governor Montague for his learned, instructive and eloquent presentation this evening; and that he be elected an honorary member of the Pennsylvania Bar Association.

Duly seconded.

THE PRESIDENT: Gentlemen of the Pennsylvania Bar Association and Distinguished Guests: This is a motion upon which everybody is entitled to vote—the ladies, however, only in the negative.

After a unanimous vote in the affirmative:

Governor Montague, you have received the most flattering vote that I have known of since my connection with this Association. All the gentlemen are unanimous and no lady dissents. By virtue of this resolution, I now bestow upon you all the privileges and prerogatives of membership in this Bar Association, with none of its pains and penalties.

On motion, adjourned.

SECOND DAY, MORNING SESSION

WEDNESDAY, *June 28, 1911.*

The Association assembled at 10 o'clock a. m., President SMITH in the Chair.

THE PRESIDENT: The meeting will please come to order.

THE SECRETARY: Before proceeding with the business of the morning I would ask that unanimous consent be given to Mr. John H. Jordan, of Bedford, to make a statement to the members of the Association.

JOHN H. JORDAN, Bedford: Mr. President, and Members of the Association: Last summer my vacation was spent in Bedford, as it always is, it being my home town, and I spent a considerable portion of that time going over the records of the Courts of this County, and to my amazement I found matter there that was altogether new to me and new to our people, and I know it would also be new to the members of the Bar Association. I have had taken

from the records certain things that I thought would be most interesting, and put them in pamphlet form, and I have the honor to present with my compliments a copy of it to each member of the Bar Association.

The pamphlet contains first the *dedimus potestatem* on the part of John Penn to John Fraser, Bernard Dougherty and Arthur St. Clair, authorizing them to administer oaths of office and also the oath of allegiance. 2. The form of oath required to be taken by officials serving under King George III, and a copy of the first oath administered. 3. The form of oath that officials were required to take after Pennsylvania joined the union of the States. 4. Copies from the criminal records of the Quarter Sessions Court for the County of Bedford showing the sentences imposed on conviction for crimes; that the pillory and whipping post were in use in the old town of Bedford, in the place where we now are. A man by the name of Daniel Palmer was convicted of horse stealing, and the sentence of the law was in part that he be taken to the whipping post and receive thirty-nine lashes well laid on his bare back and immediately afterwards be placed in the pillory for one hour and have his ears cut off and nailed to the pillory.

I followed that with excerpts from the deed of the Six Indian Nations to Garrett Pendergass, Sr., for the land on which Allegheny City is now built. There is a nice little history connected with that showing the magnanimity of the Indian chiefs. Pendergass first had from the Indians a grant of land in this section where we are now. The town of Bedford is built on part of that land. He lost that during the French and English War, made complaint to the Chiefs of the Six Nations who gave him a second grant of land at the Youghiogeny River immediately opposite Fort Pitt. From that point he was to have a semi-circle with a half mile radius. The principal portion of Allegheny City is built on part of that tract. I present a copy of this pamphlet to each member of the Association.

THE SECRETARY: I would be very glad, indeed, if it were not contrary to the written law of this body, to move that the thanks of the Association be given to Mr. Jordan for his work; but as we are prohibited from giving thanks to any member of the Association, I think he will understand that we individually and all heartily thank him for his labors in preparing this material for the instruction of the members of the Association.

ALEX. SIMPSON, JR., Philadelphia: I would like to go a step further. Pamphlets, such as the one Mr. Jordan has so kindly prepared for us, are very easily lost. If this matter were put into the report of this meeting of the Association, it would be preserved very much better. I therefore move, with Mr. Jordan's consent, that this pamphlet be printed in the report of the proceedings of this meeting.

Duly seconded.

THE PRESIDENT (to Mr. Jordan): Have you any objection to this motion?

JOHN H. JORDAN, Bedford: None whatever.

The question being upon the motion of Mr. Simpson, it was agreed to.*

THE PRESIDENT: Mr. H. J. Steele, whom I appointed yesterday upon the Committee on Nominations, has been obliged to return home, and I therefore substitute in his place Mr. Edward J. Fox, of Northampton, as a member of that Committee.

THE PRESIDENT: The first business this morning is the consideration of the report of the Committee on Law Reform—Mr. Simpson, Chairman.

ALEX. SIMPSON, JR., *Chairman*, Philadelphia: The first matter referred to in the Report of the Committee on

*The reprint of Mr. Jordan's pamphlet appears in the appendix to this volume.

Law Reform, which requires the action of the Association, is the draft of an act providing for supplemental proceedings where an execution has been issued on a judgment and nothing recovered, or not sufficient recovered on the execution to pay the debt. It was two years ago that the resolution on that point was referred to the Committee, and its consideration was laid over at our request from last year until this. The draft of the act is now before the Association.

There are two points which have been referred to in correspondence by other members of the Association with your Chairman, to which I wish to refer at this time, before making the usual motion for the approval of the draft. In the first section of the act the Committee have provided that before there can be a right to compel the testimony of the defendant for the purpose of determining whether or not he has property which ought to be subject to the judgment, the plaintiff shall be required to present a petition under oath, setting forth that he believes the defendant has property. The criticism has been made that that would require a plaintiff who did not know, either to take the chances of averring that he believes the defendant has property, or to lose the opportunity of having an examination made as provided by the act. It does not seem to me, nor to other members of the Committee, so far as I have been able to converse with them, that that is a serious objection. On the contrary, by the defendant's manner of life, or by what the plaintiff has learned of the defendant, the plaintiff ought to be able and willing to go that far before subjecting the defendant to an examination of the kind stated.

The other criticism which has been made is a criticism of Section 2. The proposition which is there made relieving the defendant from prosecution or from being subjected to any penalty or forfeiture for or on account of any transaction, matter or thing concerning which he may testify; may, it is said, result in those who ought to be very much

punished entirely escaping by reason of that provision. That criticism, in point of fact, goes to the life of the act, because, unless an exemption at least that broad is allowed, you will run up against the provision both of the Constitution of the United States and of this State, as witness the construction of the former by the Supreme Court of the United States in *Counselman vs. Hitchcock*, 142 U. S. 547. In that case the Supreme Court said that, while an examination of this kind is not, strictly speaking, a criminal proceeding, it none the less requires the defendant to give evidence which, while you may not use that evidence itself, may nevertheless lead you along lines which will enable you to get other evidence to convict him which you otherwise could not have obtained, and therefore it is absolutely essential that he be relieved from prosecution if you require him to testify at all.

These are the only two objections which the Chairman of the Committee has heard. And now, having stated them to the Association, so that motion touching them may be made if any member so desires, I make the usual form of resolution that the act as presented be approved.

Duly seconded.

GEORGE WENTWORTH CARR, Philadelphia: I would like to ask Mr. Simpson whether an act somewhat similar in its purpose to the proposed act was not adopted by the Legislature about 1875, and whether that was not afterwards held to be unconstitutional? I have an indistinct recollection of it, but I do not see that the Committee refers to that act if it was passed, and to the decision of the Supreme Court under it.

ALEX. SIMPSON, JR., Philadelphia: There was such an act construed in *Horstman vs. Kaufman*, 97 Pa. 147, and held to be unconstitutional; but it had no provision relieving the defendant from prosecution such as there is in this act. There are, I may say without being guilty of *lese*

majeste, a great many things in the decision in *Horstman vs. Kaufman* which would be much better in a pamphlet than in a decision of a Court; it speaks of thumb-screw and boot and all that kind of thing; but, after all, no matter what was said in that case, when you get down to the decision in *Brown vs. Walker*, 161 U. S. 591, the Supreme Court of the United States has in fact sustained an act which contains such an exemption as is here given.

GEORGE WENTWORTH CARR, Philadelphia: If I may resume, it is provided by the proposed act that upon a "return made by the Sheriff of the proper county to the effect that property cannot be found sufficient to satisfy the said judgment and execution," etc. It seems to me that if we used the common term which is so familiar to us, "upon a return of *nulla bona*," instead of that phrase, it would be better.

ALEX. SIMPSON, JR., Philadelphia: Suppose the Sheriff makes return that he recovered \$500 when there is a debt of \$1000. He cannot then make a return of *nulla bona*. That is the reason for the language used.

GEORGE WENTWORTH CARR, Philadelphia: I want to ask the Chairman whether, instead of stating that the debtor might be examined orally before the Court itself or before a commissioner to be named in said order, it would not be better to say "before a notary public"? The reason I suggest that is this: The great majority of judgments in commercial cases—and they are, I imagine, in the main the cases to which this act applies—are not over \$1000. If the Court is to appoint a commissioner, probably a lawyer, and the plaintiff is, in the first instance, responsible for the commissioner's fees, the costs of such a proceeding, it seems to me, would deter many persons from undertaking it. That, it seems to me, is an objection to the act. If we could, as we do in the case of depositions, examine the debtor before a

notary public, and make arrangements with the notary as to his charges, the proceeding would be comparatively inexpensive.

JOHN W. WETZEL, Cumberland: I would like to suggest one or two little changes in the phraseology. I think before the words "requiring the judgment debtor," in the ninth line of the first section, there ought to be inserted "to the same number and term," so that it may read: "The Court shall enter an order to the same number and term requiring the judgment debtor," etc.; our clerks might give the petition a new number and term, so that the order might be lost in the records. In the tenth line of the first section I would insert after the word "orally" the words "after being duly sworn or affirmed true answers to make," so that it may read: "and be examined orally, after being duly sworn or affirmed true answers to make, concerning his property," etc. There is no provision for swearing the defendant, and a sharp lawyer would say, "You cannot swear that man; you can simply examine him orally." On the first line of the third section I would erase the word "stenographically." There are counties in the State where there are no stenographers at all. I would simply take that word out, so that it may read: "The examination shall be taken, reduced to writing," etc.

GEORGE WENTWORTH CARR, Philadelphia: I forgot to make another suggestion. There is no provision in this act for either the appointment of a receiver, or a restraining order against the debtor. I think the practice in New York is to immediately appoint a receiver where it appears, as the result of the examination, that the debtor is possessed of property. Now, it might appear, upon examination of the debtor, that he was possessed of a bank account, for instance, in Chicago, and as soon as the examination was concluded he would go to the long-distance telephone and direct the transfer of that account. It seems to me there

ought to be some provision for an immediate order restraining the debtor from disposing of his property until the plaintiff had an opportunity to reach it by proper process, or for the appointment of a receiver.

ALEX. SIMPSON, JR., Philadelphia: Speaking for myself alone, Mr. President, I would be quite willing to make the changes suggested by Mr. Wetzel. They certainly tend to clarity and the avoidance of disputes, and therefore are wise. I do not know how many members of the Committee are here present—there are several of them, I see—and I do not know what their thought is with regard to it. Does any member of the Committee object to the changes suggested by Mr. Wetzel? If so, I should be glad to hear from them. Otherwise I shall take the responsibility of accepting those changes.

So far as Mr. Carr's two suggestions are concerned, I want to refer to them in the briefest way. The first one is to substitute the taking of testimony before a notary public instead of a commissioner. There are two answers to be made to it. It would undoubtedly be cheaper. That may be conceded. But cheapness is not the principal thing we are aiming at; the principal thing to be aimed at, aside from subjecting the defendant's property to execution, is the protection of the unfortunate debtor. If you get into the position where you make it too easy to make an attack on the debtor, you are going to invite the Courts to hold the act unconstitutional. I recall a decision of our Supreme Court, during the present session, which surprised me a little bit, but it is along the same line, in which they held, in *Nielson's Appeal*, 230 Pa. 540, that it was not possible under the laws as they exist to-day to take orally the testimony of a citizen of Pennsylvania upon a commission from a foreign State; it must be taken by interrogatories which are issued by the Court sending out the commission. And the reason which was given was that there was no adequate-

method by which the citizen who is called as a witness can be protected, if counsel from other States are allowed to come here and to subpoena one of our citizens to appear and answer any question they may choose to ask. That reason would certainly apply to the taking of testimony before a notary public. A commissioner appointed by the Court is very much more under the control and direction of the Court, and the debtor who is being subjected to answering questions which might or would tend to criminate him is very much better protected if that commissioner is under the control of the Court. Personally, I am not willing to accept that suggestion of Mr. Carr's.

The other suggestion by Mr. Carr has very considerable merit, but it is still open to the same objection, in a little different form, and it seems to me that the difficulty which he suggests when that character of a case arises may in this State be amply met by proceedings under either the bankruptcy or insolvency laws, as the case itself may require. If it is a case that will go into bankruptcy, if facts of that kind are developed it is almost certain to go into bankruptcy; and if not a case of that kind it can be carried into insolvency. This proposed act is not intended to meet every difficulty which arises, but only to disclose whatever property a debtor may have that may be made subject to execution.

WILLIAM I. SCHAFER, Delaware: I think the policy of the Bar ought to be that no examination should be held before men who are not learned in the law and familiar with judicial proceedings. All of us who have tried cases, such as *devisavit vel non* before registers of wills who are not learned in the law, know what a farce it is to appear in a matter where there is a contest before a man who does not understand the rules of evidence. All of us who have tried cases before commissioners—I speak now of commissioners who are created by the new ideas that are now prevalent, like the Inter-State Commerce Commission—all of us who

have tried cases before commissioners who are not lawyers, though men of very great intelligence, but who do not know what rules of evidence are applicable to a situation which may arise before them, have learned that all examinations of that kind are unsatisfactory, and may lead to very great and serious prejudices and hardships upon litigants. Therefore it does seem to me that this Association ought not to provide by any act for an examination in a judicial proceeding before a man who is not a lawyer.

V. GILPIN ROBINSON, Philadelphia: I would like to ask Mr. Simpson what his ideas are as to the method by which the commissioner would protect the defendant under the provisions of this act? The reason I ask that question is that the point made by Mr. Carr with reference to making this examination before a notary public rather appeals to me; and as the defendant for his own protection must be instructed by his counsel not to answer the question, and the remedy is by certifying the questions to the court, I would like to get Mr. Simpson's idea as to how the commissioner under this act would protect the defendant.

ALEX. SIMPSON, JR., Philadelphia: If Mr. Robinson's question or his illustration covered every case that arose, much might be said in favor of what he has stated; but he seems to overlook the class of cases in which the defendant is not represented by counsel. Then if there is a lawyer who is acting as commissioner, and the defendant thinks something is being done which infringes on his legal rights, his appeal to the commissioner will result in an answer which will protect him. His appeal to a notary public will result in a shrug of the shoulders and a statement that he has nothing to do in the matter.

V. GILPIN ROBINSON, Philadelphia: I am not convinced by the answer that is made by Mr. Simpson. Speaking for myself from an experience in examinations of this kind, it does seem to me that if there is any virtue in an act

of assembly of this character we would get the benefits of it, or be more likely to get the benefits of it, if we would not be subjected to the expense of a commissioner. There is no special provision in this act that I can see by which the appointment of a commissioner could be controlled. Perhaps it could be by suggestion from the petitioner's counsel to the Court. But it might not be a man who will take care of the defendant. I take it, too, in examinations of this character it would be very rare that the defendant would not be represented by counsel. There might be some doubt as to whether the commissioner would regard it as his duty to take care of the defendant any more than district attorneys very often, earnest and active district attorneys, feel called upon to take care of the defendant. Therefore it seems to me that if this act is to be the benefit that is intended, it ought to be made less expensive and less cumbersome than would be the result of having these proceedings taken before a commissioner.

WILLIAM I. SCHAFER, Delaware: I think that one of the class of creditors who would very likely invoke this act as much as any other would be the men who are so-called loan sharks, men who make loans on personal property to poor people. I have some experience in cases of that kind, representing people who had all of their worldly possessions levied upon iron-clad judgment notes that there was no escape from. Now, if you can put those people to the rack before a notary public, on the selection of the man who has made the loan, it does seem to me that there could be the very greatest hardship in the world, whereas, if it is a commissioner selected by the Court, the very fact that he is a lawyer and that he is selected by the Court will, as Mr. Page on my right suggested to me, give the matter a certain tone, and will lead to no abuse of what might be a very abusive form of process.

GEORGE WENTWORTH CARR, Philadelphia: From the statements made by Mr. Simpson, complete immunity is given to the debtor. So it seems to me he does not need the protection of a commissioner, no matter what he says. What admissions he makes may not be used against him. Now I am certain, from experience in trying cases before lawyers appointed as masters and auditors, there is a considerable delicacy on the part of counsel, which prevents them from making an arrangement in advance as to the compensation of the lawyer sitting in any of those capacities. I am quite sure that there would be many meetings, because examinations of this kind are of a fishing character, and we would be asked to pay at the rate of about \$25 a meeting. If the commissioner can do nothing but take the testimony, cannot rule upon objections, why cannot a notary public unlearned in the law do the work just as well? In order to bring the matter before the meeting, I move that the word "commissioner" on the eleventh line of the first section, and wherever it appears, be stricken out and the words "notary public" be inserted.

V. GILPIN ROBINSON, Philadelphia: Why strike out "commissioner;" why not leave it be as it is? Why not amend it by inserting after the word "commissioner" "or other person authorized to administer oaths;" leaving the word "commissioner" in, so as to make a choice?

GEORGE WENTWORTH CARR, Philadelphia: My objection to the suggestion made by Mr. Robinson is that I am afraid in ninety-seven out of a hundred cases a commissioner would be appointed.

VERNON HAZZARD, Washington: Do I understand that the mover of the amendment expects to have examinations before squires, justices, or even police commissioners?

EDWARD J. FOX, Northampton: If the last objection urged by Mr. Carr is a sound objection, namely: that the

expense of taking this testimony would be too great under the appointment of a commissioner by the Court, why could not the act be amended, so as to provide that the compensation paid the commissioner should be the same as an auditor, which I believe is now regulated by statute? I personally agree with Mr. Schaffer, that it is not desirable that testimony of this character should be taken before a man who is not learned in the law.

WILLIAM U. HENSEL, Lancaster: What is the objection to striking out everything excepting the taking of testimony before the Court itself? It seems to me it may just as well be done there in the first place as heard there after probably innumerable delays. It is a class of cases in which there are necessarily a large number of inquiries made that will be objected to. It seems to me it is a matter that can be easily disposed of by the Court itself. I do not think there would be more work required by doing that in the first instance, and I would be disposed to amend the act in that respect. It will not take any longer than to hear an ordinary desertion case.

GEORGE WENTWORTH CARR, Philadelphia: I accept that amendment.

THE PRESIDENT: Mr. Carr has withdrawn his amendment and Mr. Hensel has offered an amendment to strike out of the first section the words relating to a commissioner, so that it shall read "before the Court at such time and place as the Court may appoint." That will relieve us from the necessity of paying for the testimony; it will be taken by the Court stenographer in the regular way. It will be necessary also to strike out the words "or commissioner" in Section 2.

The question being upon the motion as stated by the Chair, it was agreed to.

The question being upon the motion to adopt the act as amended, it was agreed to.

The act as amended is as follows:

AN ACT

TO PROVIDE FOR THE ORAL EXAMINATION OF A JUDGMENT DEBTOR FOR THE PURPOSE OF DISCOVERING WHETHER HE HAS PROPERTY WHICH MAY BE MADE SUBJECT TO EXECUTION ON THE JUDGMENT.

SECTION I. Be it enacted &c., That in any case in which a final judgment has been or may hereafter be recovered in any court of record in this Commonwealth, upon which an execution has been issued and a return made by the Sheriff of the proper county to the effect that property cannot be found sufficient to satisfy the said judgment and execution, upon petition of the plaintiff under oath setting forth that he believes the defendant has property which should be applied towards the payment of such judgment, the court shall enter an order to the same number and term requiring the judgment debtor to attend and be examined orally after being duly sworn or affirmed true answers to make, concerning his property, before the court, at such time and place as the court may appoint. The attendance of the debtor for the purposes of such examination may be enforced by said court by subpoena and attachment, as in the case of other witnesses.

SECTION II. The judgment debtor may be compelled in the same manner as other witnesses in judicial proceedings, to answer all pertinent questions addressed to him at such examination concerning his property; and he shall not be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter or thing concerning which he may testify or produce evidence, documentary or otherwise, before said court, except for perjury in giving such testimony.

SECTION III. The examination shall be taken, reduced to writing, and filed among the records of the case. All expenses of the examination shall be paid by the plaintiff in the first instance, and shall be taxed as costs and collectible from the defendant in the same manner as other costs in the case, if it be ascertained thereby that the defendant has property which can be made liable for said judgment.

ALEX. SIMPSON, JR., Philadelphia: The second matter to be brought to the attention of the Association by our Committee is the act in the printed report relating to mechanics' liens. The Association will remember that this

matter has been before it for the last two years. Since our last meeting the Supreme Court has held in *Hiestand vs. Keath*, 229 Pa. 149, that Section 23 of the Mechanics' Lien Law does not cover the case of an owner of property. In drafting the act which is before the Association for consideration, the Committee thought it was wiser not to limit that act to the Mechanics' Lien Law, but to make it cover all cases—mechanics' liens, municipal claims, verdict or judgment, where there is no dispute but that all the property of the defendant, or certain particular property of the defendant, had, by the act of the party, or judgment of the law, been relieved from liability for the particular debt; and it therefore provides that upon a proper petition being presented and opportunity for answer being given, if the answer does not deny the facts set forth in the petition, and that is sufficient for the purpose, the Court shall either strike off the lien or claim or verdict or judgment, or limit it to particular property or decree in such way as justice may require. If there is a dispute, then it will be referred to a jury to be tried in due course. I move the approval of that act.

Duly seconded, and agreed to.

HENRY C. NILES, York: Will you allow me to make a motion? I desire to ask permission at this point to present a matter that, while this subject is still in the minds of the Association, will probably save time if considered now rather than by waiting until the proper time for presenting resolutions. If I am not too much out of order?

ALEX. SIMPSON, JR., Philadelphia: I do not object, if no one else does.

THE PRESIDENT: There seems to be no objection. Mr. Niles will present his resolution.

HENRY C. NILES, York: The Act of 1901, Mechanics' Lien Law, is not a favorite child of this Association. I have

reason to believe that the weight of opinion in the Association and throughout the Bar of the State is in favor of doing something with this act, and I believe with the whole system, that will be tantamount to killing it and burying it without resurrection. The question itself is contrary to the spirit of our present constitution. In at least two instances the Supreme Court has said that two of the sections are unconstitutional, giving, as they do—and for that reason—a special remedy to a special class of a greater special class. As I understand it, the Supreme Court has said that, were it not for the fact that the mechanics' lien was embodied in our system prior to the Constitution of 1873, the reasons that make these superpreferred classes unconstitutional would make the whole act unconstitutional; and a thrill of joy has gone through us all, I think, at the thought that in those two decisions of the Supreme Court the Committee on Law Reform concurs. I desire to introduce this resolution as expressing at least my own thought of the propriety of doing something with this act:

“Whereas, it is the sense of this Association that the so-called Mechanics' Lien system does not accomplish the beneficial purposes intended and is essentially contrary to the spirit of the present Constitution of Pennsylvania in its attempt to provide special remedies for particular classes of citizens.

Therefore, Resolved, That the Committee on Law Reform be and is hereby instructed to consider the propriety of the repeal of the Act of 1901 and its supplements and report thereon at the next meeting of the Association.

Duly seconded.

THE PRESIDENT: With all due respect to Mr. Niles, unless it is done with unanimous consent, I would suggest that that motion is now out of order, at least until the consideration of the report of the Committee on Law Reform has been finished. If there is unanimous consent, and Mr. Simpson does not object, I will put the motion. Is there any objection?

ALEX. SIMPSON, JR., Philadelphia: None at all. There is one thing that ought to be said. If the members will remember, when the Committee on Law Reform reported the Mechanics' Lien Act to this Association they stated at the very beginning of their report substantially what Mr. Niles said to-day. We were then of opinion, and so far as I know are still of opinion, that there ought to be no mechanics' lien law, but there is an underlying matter which is suggested by Mr. Niles' remark that there is an antagonism between the spirit of the Constitution of this State and the Mechanics' Lien Law, and that is that that antagonism is just as applicable to the municipal claim law and all other laws of similar character. I am afraid, if we attempt a repeal for that reason, we will find ourselves up against a problem which is very much harder than anyone anticipates. There is no objection, however, to the Committee on Law Reform wrestling with that problem.

V. GILPIN ROBINSON, Philadelphia: I respectfully submit that there is a good deal of wisdom in what Mr. Simpson suggests. As a member of this Association it seems to me that it would be policy to let the Mechanics' Lien Law alone. The fact of making a stir about it will simply provoke opposition that may be hard to stem. There is a very strong sentiment, as shown in the last legislature, in favor of making the Mechanics' Lien Law, if possible, more favorable to the mechanic and material-men. As it is now, with the decision of the Supreme Court and the filing of the record and basing the whole thing upon the idea of contract, it is innocuous, but so strong is that feeling that there was a very determined effort in the last Legislature to secure an amendment to the Constitution and one of the strongest reasons urged for that was that the Mechanics' Lien Law might be made more effective for the laboring man and the mechanic and the material-man. And a resolution was introduced and pressed, pressed very ear-

nestly, to amend the provisions of the Constitution in such a way that this law and other laws which are in opposition to the general idea of impairing the obligation of contracts could be carried through and put into force. Therefore it does seem to me that this resolution stirring up questions respecting the Mechanics' Lien Law is ill-advised.

S. J. STRAUSS, Luzerne: I would sympathize with this motion if it were a new question; but I know that the Mechanics' Lien Law has another side to it, which helps along the idea of democracy and assists men who without this law could not have got a foothold. Some of the most successful contractors have begun in the smallest way from the fact that they could give assurance of payment to those from whom they purchased material, and in that way began their career. Besides that, I know it to be a fact that in our section most working men, who have a small fund, begin the construction of a house with the fund in hand, and through the fact that they can give assurance of payment through mechanics' liens are enabled to employ carpenters, are enabled to buy material and to build their houses without the intervention of a contractor; all of which would be impossible except for this system. Therefore I believe that the opposition to the repeal of the Mechanics' Lien Law would be very much more popular than we in the State Bar Association imagine. It would cut down among the very poorest, or at least in the sphere next to the very poorest, of artisans and laborers if this law were repealed. I think that this Association ought to accept the law as an institution, as an existing fact which the people of the State after many years demand shall be continued to them. We may theoretically come to the conclusion that it is in violation of the principles against special legislation under the present Constitution. But we must accept it as a fact, as the Supreme Court has accepted it as a fact, that, in accordance with the general average public opinion, that

law will be preserved. Therefore I believe that the thing to do is to amend the law that it will accomplish the purpose, with due regard for justice to all.

The question being upon the resolution offered by Mr. Niles, it was agreed to.

ALEX. SIMPSON, JR., Philadelphia: The third act reported by the Committee on Law Reform is an act supplementary to an act relating to replevin, and is intended to meet the case which arises now and again where the affidavit of defence filed raises the real issue in replevin cases. The act as now existing does not provide at all for any answer to the affidavit. This act provides that where the affidavit of defence does raise the real issue, an answer to that may be required and a default judgment recovered if there is no dispute, and if there is, then try the question upon the three pleadings instead of two; that is, we will then have a trial upon a defined issue where there is in fact a real defence in landlord and tenant cases, and the like. I move the adoption of that act.

Duly seconded.

GEORGE WENTWORTH CARR, Philadelphia: I rise to a point of information. Was the act relating to mechanics' liens approved by the Association?

THE PRESIDENT: It is passed.

GEORGE WENTWORTH CARR, Philadelphia: I would like to call attention now to what appears to be a typographical error in the Replevin Act. It says defendant may also enter a rule for judgment upon the declaration, affidavit of defence and reply; it would seem to me to be rather difficult for the defendant to enter a rule for want of a sufficient affidavit of defence. Is not that a mistake?

ALEX. SIMPSON, JR., Philadelphia: No; only the defendant may enter a rule for judgment upon declaration,

affidavit and reply, and Mr. Carr will see the reason why at once if he stops to think. The defendant in this class of cases is really the actor. In a landlord and tenant case the tenant replevies. The landlord says, "I have distrained upon this property for rent, I am only holding it because of my distraint for rent;" and if a rule for judgment is then taken the plaintiff is the only one that can get the judgment on such a pleading; by no possibility can the defendant get the judgment at that stage of the case. If then in reply to that affidavit of defence a defence is set up which is required to be tried by a jury such as that the distraint from some reason or other is error, it must go to a jury for trial; but if the reply is insufficient there would seem to be no reason why the Court should not say so, on rule taken.

GEORGE WENTWORTH CARR, Philadelphia: I understand that now.

GRAHAM C. WOODWARD, Philadelphia: It seems to me that this act does not properly provide for the filing of the reply by the plaintiff. It directs that it shall be filed, but makes no provision in case of default. I therefore suggest that after the words "other cases," in the fifth line, there be inserted something of this kind: "and in case of default judgment may be entered for the defendant for want of such reply."

ALEX. SIMPSON, JR., Philadelphia: I think that follows; but if anyone thinks it makes it clearer, there is no objection, unless some other member of the Committee objects.

THE PRESIDENT: There seems to be no objection to the suggestion.

V. GILPIN ROBINSON, Philadelphia: Ought there not to be a time limit fixed?

ALEX. SIMPSON, JR., Philadelphia: Within the time prescribed for pleadings in other cases, the act says.

V. GILPIN ROBINSON, Philadelphia: That answers it, but I think it would make it clearer to put in fifteen days, as in the action of *assumpsit*.

ALEX. SIMPSON, JR., Philadelphia: I have accepted Mr. Woodward's suggestion; I do not think the other is necessary.

The question being upon the adoption of the act as amended, it was agreed to.

ALEX. SIMPSON, JR., Philadelphia: The only other matter which the Committee on Law Reform reports upon is the resolution offered last year and referred to them, requesting them to consider and report as to whether the Judges of the Courts of Quarter Sessions ought to be required to appoint official stenographers. There is no report made in reference thereto, and no draft of an act, because Mr. Abbott, who presented that resolution at our meeting a year ago was a member of the Legislature this year and presented an act covering the point, which was passed by the Legislature and approved by the Governor, and therefore no action was required by us. We therefore simply ask that the Committee be discharged from further consideration of that subject, and I so move.

Duly seconded, and agreed to.

V. GILPIN ROBINSON, Philadelphia: Before this order of business is withdrawn, if it meets with Mr. Simpson's approval, I would suggest that the act regarding bills and answers in equity, etc., mentioned in the report, be kept alive and presented at the next session of the Legislature.

ALEX. SIMPSON, JR., Philadelphia: It will be presented. It is always so done. Our proposed acts are presented from session to session until the Legislature approves them.

EDMUND E. KIERNAN, Somerset: I do not know whether I am a lawyer——

THE PRESIDENT: Likely not.

EDMUND E. KIERNAN, Somerset: I leave that to the Chairman, of course—but I would like to make a motion with regard to a matter to be presented to the Committee on Law Reform for consideration. Am I in order?

THE PRESIDENT: I would suggest that the matter be brought up at to-morrow morning's session under the head of new business.

W. HENRY SUTTON, Philadelphia: Before passing from the report of the Committee on Law Reform I desire to call attention to the act already passed by the Legislature with reference to the appointment by the Supreme Court of Judges from one district to sit in another, but which, in my judgment, does not afford sufficient help at the juncture which exists at this time in Philadelphia. It is said that there are more than 3000 cases awaiting trial in the Courts of Common Pleas in Philadelphia. This act provides for the assignment of one Judge from some other judicial district to sit. If that Judge comes, and no doubt he will, and sits forty weeks in a year, and tries ten cases a week, he will try four hundred cases out of over three thousand; and, while that is some help, it is far from sufficient help. I would suggest that the act already passed be amended to the effect that the Chief Justice may designate one or more Judges from one or more judicial districts, so that we might have the relief that would come from the appointment of, say, three Judges. As it is now, it is almost a disgrace of justice, and it is a defeat of justice in very many cases.

THE PRESIDENT: The Chairman of the Executive Committee will take note of the suggestion.

Has the Chairman of the Committee on Legal Education a further report to make?

JAMES M. LAMBERTON, *Chairman*, Dauphin: The Committee on Legal Education has not reported any resolution, and there is then nothing further to bring before the Association at this time.

THE PRESIDENT: The consideration of the Report on Legal Biography is next in order.

EDWARD W. BIDDLE, *Chairman*, Cumberland: The Committee on Legal Biography reported a resolution yesterday with reference to the turning over to the Law Association of additions or amendments made to the Rules of Court in the various counties, which I think ought to be passed on.

THE PRESIDENT: Do you make such a motion?

EDWARD W. BIDDLE, Cumberland: I make such a motion.

Resolved, That the Committee on Legal Education be requested to furnish yearly at the time of our annual meeting, to the Law Association of Philadelphia, to be placed in its library for the use and convenience of the Bar of the State, the additions and amendments made during the preceding year to the Rules of Court of those counties of the State whose rules are on file in said Library; and also, upon request, to perform a similar service for the proper library in each of the other cities where the Appellate Courts, or either of them, sit to hear arguments.

Duly seconded.

ALEX. SIMPSON, JR., Philadelphia: Twelve years ago, as you will find by turning to the fourth volume of the report of the proceedings of this Association, we adopted a resolution which provided that the Committee on Legal Biography should report each year to the Association any changes made in the Rules of Court of the respective districts which embodied more than a mere change of verbiage. That resolution is still in force, but so far as I have been

able to find out the Committee on Legal Biography has never done a single thing under it.

THE PRESIDENT: We are now having the Report of the Committee on Legal Biography. The resolution offered seems to be in line with what Mr. Simpson has just stated.

ALEX. SIMPSON, JR., Philadelphia: It is exactly what we did twelve years ago; but if the Association wants to repeat it I do not object to it.

THE PRESIDENT: We will do it again, with the hope that it may have some effect on the Committee on Legal Education.

The question being upon the resolution as offered, it was agreed to.

THE PRESIDENT: The next report for consideration is that of the Committee on Uniform State Laws, Mr. Walter George Smith, Chairman.

WALTER GEORGE SMITH, *Chairman*, Philadelphia: This report deals with the subject of divorce, not asking any affirmative action, except on the subject of wife desertion, on which it submits an elaborate bill, and also deals with the subject of foreign wills. I will not take the time of the Association in making any more than a mere general reference to what is stated in the report on the subject of divorce.

As has been said time and time again to the Association, it has been the custom of the Commissioners on Uniform State Laws, when the duty was imposed upon them by the result of the deliberations of the Conference on Uniform State Laws, to bring to the State of Pennsylvania various measures that have been approved by the Conference and to submit them to the Pennsylvania Bar Association so that the Association should pass judgment upon them,—not that they were under any obligation to do so, but because this

is the only Association that represents the sentiment of the profession, and it is a matter of the first importance that the community should be educated to an appreciation of the importance of these measures. This Association has set the stamp of its approval upon all of the measures that have been accepted by the Legislature, and upon two that have not been accepted—one, the Sales Act, which passed through all the stages necessary up to the final one in the last Legislature, and failed then because it was put upon the postponed calendar, not, I think, because there was any opposition to it, but because of the multitude of demands upon the time of the members of the Legislature collectively, and I think the prospects are more than good that it will pass two years hence. That act has already been accepted by a great number of the States. The Legislature did accept the Stock Transfer Act and the Bill of Lading Act, and as to those two it is in line with the State of Massachusetts and other important States, although those measures have only emanated from the Conference of Commissioners within a period of about two years.

The Divorce Act has been before the Legislature of Pennsylvania for three sessions. It was drawn in accordance with the resolutions adopted by the National Divorce Congress, which Congress was convened by a request from the Governor of Pennsylvania in response to a resolution of the Legislature of Pennsylvania, and all of the expenses of the Congress were paid by an appropriation from the treasury of the State of Pennsylvania. It might well have been assumed that this community was particularly interested in the subject of divorce reform. The act has received the approval of this Association. It passed the Senate at the last session of the Legislature, after hearing before its Judiciary General Committee of the Commissioners or their representatives. It was then referred to the Judiciary Special Committee of the House, and no hearing even was accorded to the Commissioners who had submitted

it. This is significant. The Legislature is responsive always to the tone of popular sentiment upon any subject of this character. Whatever may be said of political subjects, it cannot be doubted that if there is any collective sentiment in favor of any social question—and this is a vast social question—the Legislature is quick in responding to it. My study of the situation, and my interviews with members of the Legislature privately, have led me to believe that, when the Judiciary Special Committee of the House ignored the requests of those who were officially responsible for the presentation of this act, they were acting logically and consistently in giving their time, as they should give it, to questions that were considered of prime importance to this Committee, and not to matters that were more abstract and general.

This may seem a rather surprising statement to the Pennsylvania Bar Association which thought the subject to be of so much importance that it took days to discuss it section by section; but it none the less is the fact. There has been no evidence of popular approval of the Uniform Divorce Act, and therefore the Judiciary Special Committee of the House were not acting in disregard of any mandate of the people, direct or indirect, when they ignored the Uniform Act. The trend of sentiment, instead of being in favor of divorce reform, as shown by the act referred to by the President in the Annual Address, is directly the contrary. The sentiment of the profession, except as expressed by the thought of this body, would seem to be also opposed to any change in the system, which one of the best, strongest, purest-minded jurists of this State has assured me personally, after long experience with it, in his judgment, needs no change.

Turning from the subject of divorce to the next subject, which is that of Wife Desertion, the Conference of Commissioners, feeling an impulse given them by the National Divorce Congress, have taken up the consideration

of those conditions which in their judgment brought about what they consider the divorce evil; one of which is wife desertion, and the other hasty, improvident, ill-considered marriages. In respect to the latter, they have now under consideration, and in due time will submit for the consideration of the different States, a uniform marriage law. The Wife Desertion Act is not in itself necessarily one that ought to be uniform. The only necessity, in order to meet present conditions, is that it should at least have a provision for the extradition of the wife deserter. But, acting under the directions of the Conference, the Committee on Marriage and Divorce have drawn a careful and elaborate Desertion Act, which is set out with annotations in this report, and the essential change that it would make, if adopted, in Pennsylvania, would be that it would create a system whereby the wife deserter would come under the penalty of being compelled to work at hard labor in the penitentiary, and being paid at the rate of fifty cents a day, and the money would be paid to the deserted wife or children. At present there is no punishment for the wife deserter except simple imprisonment. The laws of Pennsylvania are not now so drawn that there is any provision for payment for the work of the prisoner under those circumstances, nor can a wife deserter be sentenced by the Court to an imprisonment carrying with it hard labor. Therefore this uniform act which is submitted to the consideration of the Association is but a skeleton act, and if the Association sees fit to vote on the subject this morning it will have committed itself only to the general principle that wife deserters should be imprisoned at hard labor, or such imprisonment should be held over them *in terrorem* under suspended sentences, and that the penal laws of Pennsylvania should be so amended as to meet that condition. I therefore move the adoption of the resolution in the report as follows:

Resolved, That this Association approves the draft of an Act prepared under the direction and recommended by the Conference of Commissioners on Uniform State Laws in National conference, entitled "An Act to make Uniform the Law Relating to Desertion and Non-support of Wife by Husband, or of Children by either Father or Mother, and Providing punishment therefor, and to Promote Uniformity among the States in reference thereto," with such amendments of the penal laws of this State as are necessary to make its provisions effective.

In closing my preliminary remarks on this subject, I may say that if the Association feel they have not had sufficient time to study this act, and think it had better go over for another year in order that they may give the matter further consideration, the Committee has no objection whatsoever, and no harm will come of it, because another session of this body would intervene before the next session of the Legislature. In addition, I ought to say to the Association that the Pittsburgh Associated Charities Organization, of which Ward Bonsall, Esq., is counsel, have given this subject a great deal of attention, and have drawn a model act, which in many respects expresses the same principles as the act that I have just been endeavoring to give you an outline of. All of these acts are based upon the experience of the districts where they have a model wife desertion act, covering not, as this act does, only legitimate children, but both legitimate and illegitimate children; and Mr. Ward Bonsall's Act, if I may call it so, covers the case of illegitimate children, and it has been thought by our Committee that perhaps, if the Association thought proper to let this matter go over to another meeting, that on consultation with Mr. Bonsall and the interests he represents, we might get an act which might be complete in itself. However, I submit the resolution.

Duly seconded.

EDWIN M. ABBOTT, Philadelphia: With regard to the act which you are now considering, I would state, probably

for the information of the members, that there were at least four or five acts of a similar character, tending to cover a similar procedure, introduced at the last session of the Legislature, and they were referred to the Judiciary General Committee, where this matter was thoroughly discussed and gone into. In the first place, there is a uniformity of such acts needed. The laws should be uniform for one reason, if not for any other; and that is upon the subject of extradition. A husband deserts a wife and goes to another State to-day. If there is any objection to extradition it is raised on the fact that the crime committed in Pennsylvania is a misdemeanor, whereas, in Ohio it is a felony, and *vice versa*, and so throughout the other States. There is objection raised, and we cannot bring back the fugitive husband upon a writ of extradition.

But laying aside the question of uniformity, there is an objection to such an act, and that is the reason the bill did not pass the Legislature, and did not even receive the approval of the Judiciary General Committee. There is a proviso in this bill similar to the proviso in the bill before the Legislature. It provides for labor, for the payment of a certain amount to each person in the workhouse or county prison, or whatever institution it may be, and that money is to be paid to the family by a duly authorized person. It is impossible under our law to allow such a condition to come into existence, owing to the attitude of the labor organizations. That is a subject which the Committee on Law Reform should take into consideration first before we can ever pass such an act as this in the State of Pennsylvania. We must take the bull by the horns, and get an act which will be backed by this Association, so that we can say to the labor unions of the State of Pennsylvania that men sent to prison for such an offence as this must be allowed to labor under some such conditions; and until we take that position, and until we try to enforce our rights and make a man sent to jail support his family outside, not-

withstanding what the labor unions might say, we can never put such an act as this into effect in the State of Pennsylvania. Who is going to pay it? Are you going to make these men labor at fifty cents a day, and have your county pay their families and support them? Why, then, shall we send them to the institution? Why not simply say to every man that deserts his wife that we will pay fifty cents a day to his family? What is the sense of not only paying the fifty cents, but also harboring the man and feeding him and having the other expenses as well upon the county and State? So that you have got to meet that proposition; it is a proposition that should go into effect. It is one thing that should be considered. A man who deserts his wife should support his family, and the county should not support him and his family as well; and the only way to meet it is to have our Committee on Law Reform consider some act by which we can have labor in our penal institutions in this State notwithstanding what labor unions of this State might be crying to oppose.

WILLIAM RIGHTER FISHER, Philadelphia: I move that this matter be referred back to the Committee, to be reported on at the next meeting of the Association.

FRANCIS FISHER KANE, Philadelphia: I have a suggestion to add to that. I do not know whether it is germane to the matter before the Committee on Uniform Laws, but the reference should include a consideration of this most serious matter of amending the general law with reference to the labor of convicts, which certainly is a crying shame to this Commonwealth I have always considered, and I believe every man in this room must agree about. I think that ought to go with the reference.

WILLIAM RIGHTER FISHER, Philadelphia: I would leave it to the discretion of the Committee itself. I have no objections to that being attached to the motion.

WALTER GEORGE SMITH, Philadelphia: The resolution as I read it covers that. It says "with such amendments of the penal laws of this State as are necessary to make its provisions effective."

The question being upon the motion of Mr. Fisher to recommit the report, it was agreed to.

WALTER GEORGE SMITH, Philadelphia: Before leaving that subject entirely, I would ask the gentlemen who are especially interested to take a copy of Mr. Ward Bonsall's pamphlet; it will give a very careful study of the whole subject, together with extracts from the existing laws of the State, and a criticism on the part of Mr. Bonsall, of the work of the Conference of Commissioners on Uniform State Laws.

The next subject which is part of my duty to report is the uniform law relative to wills executed without this State. I had better read it:

AN ACT

RELATIVE TO WILLS EXECUTED WITHOUT THIS STATE AND TO PROMOTE UNIFORMITY AMONG THE STATES IN THIS RESPECT

SECTION 1.—Be it enacted, etc., that a last will and testament executed without this state in the manner prescribed by the law, either of the place where executed or of the testator's domicile, shall be deemed to be legally executed, and shall be of the same force and effect as if executed in the mode prescribed by the laws of this state; provided, said last will and testament is in writing and subscribed by the testator; and provided further that nothing herein contained is intended to repeal that provision of section eleven of the act entitled "An Act Relating to Corporations and to estates held for Corporate, Religious and Charitable uses," approved April 26, A. D. 1855, which requires that bequests or devises for religious or charitable uses shall be executed "at least one calendar month before the decease of the testator."

The purpose of this act is to meet the condition that almost all practitioners have had some experience of, where

the laws of one State require a different mode of execution and probate of a will from that required by the laws of another State. If passed, this act will not affect any legislation now operative in the State of Pennsylvania, with one exception. It is a permissive act, and not an exclusive act. I need not recite to this body what the requirements of a legally executed will are in Pennsylvania; but we know that some of the States—I have in mind South Carolina—require three witnesses. Formerly three attesting witnesses were required in Rhode Island, and this report speaks of Rhode Island because one of the decisions referred to had to do with a Rhode Island will. However, some of the States require two witnesses and some three. Now, unless a will is executed in accordance with the law of Pennsylvania, it will only carry personal property, and it seems desirable that the same provisions that relate to personal property shall also relate to real estate. I need not enlarge upon the evils that exist.

We were brought, however, immediately in confrontation with the Act of 1855, which, as you are all aware, requires that there shall be two attesting witnesses, and that the will must not have been executed within one calendar month to make it valid, so far as charitable legacies, etc., are concerned. If you accept this act, it will do away with the provision, so far as foreign wills are concerned, of attesting witnesses and will preserve the calendar month provision. It is a matter for your consideration, and the consideration of the Legislature, whether the time has come, or ever will come, when this Act of 1855 which the common consent of legislators deemed to be a necessary one for the protection of dying people from importunate demands that should not be made upon them, has passed away. We all know it is the easiest thing in the world to avoid the calendar month provision by leaving the estate to an individual, on whom there will be a moral obligation—he does not know anything about it—there will be a moral obligation to which

he is answerable in the forum of his conscience, to carry out the directions of the testator. This act as recommended will change the law of Pennsylvania to this extent, that a foreigner, in making a devise or bequest to a charity, would only be hampered to the extent of having to make his will beyond the time of one calendar month before his death; and his will would be differentiated from the wills of citizens of Pennsylvania residing in Pennsylvania, so far as attesting witnesses are concerned. I move the adoption of the resolution proposed by the Committee with reference to this act as follows:

Resolved, That this Association approves the draft of an Act prepared under the direction and recommended by the Conference of Commissioners on Uniform State Laws in National Conference, entitled "An Act Relative to Wills executed without this State, and to Promote Uniformity among the States in that respect;" as amended for Pennsylvania.

Duly seconded.

JAMES I. BROWNSON, Washington: I would like to make an inquiry of Mr. Smith, as to whether this act as drafted would not apply to a will of a citizen of Pennsylvania executed during his temporary absence from the State?

WALTER GEORGE SMITH, Philadelphia: It would.

JAMES I. BROWNSON, Washington: Then would not the effect of this be that a citizen of Pennsylvania could evade the requirement that his will containing charitable dispositions should have two attesting witnesses by stepping across the State line into an adjoining State and executing the will there?

WALTER GEORGE SMITH, Philadelphia: He could.

WILLIAM I. SCHAFER, Delaware: May I ask the Chairman of the Committee whether it is the intention of the Commission that only wills executed and not wills both

executed and proved in another jurisdiction would be covered by this act? Take, for instance, as Mr. Smith puts it, a will made by a man whose domicile is in South Carolina, where it takes three witnesses, made in Illinois, where it takes no witnesses, and therefore not provable in South Carolina, but which devised property in Pennsylvania; is it the intention of the Commissioners that that will, although it cannot be probated in the jurisdiction of the domicile, shall be probated in Pennsylvania?

WALTER GEORGE SMITH, Philadelphia: There is no objection, as my friend will see, by reference to the cases collected in the report [*Flannery's Will*, 24 Pa. 502, and *Brown's Estate*, 2 D. R. 720] to a will under those circumstances not being offered for probate in South Carolina, but being offered for probate in Pennsylvania. Therefore it will be governed simply by the probate laws of Pennsylvania.

WILLIAM RIGHTER FISHER, Philadelphia: It seems to me this is a matter of very serious consideration. Personally, I do not feel justified in committing myself to the recommendation of the passage of this act as it stands; and there is no necessity for speed, and stamping upon it the approval of this Association. I move that this act also be referred back to the Committee to be reported at the next meeting of the Association.

Duly seconded.

WALTER GEORGE SMITH, Philadelphia: I have no objection in the world to my friend's suggestion if it will be accompanied by necessity for consideration, and desire for consideration on any points not covered by this report. I do not ask the Association to vote on this this morning. There is no occasion, however, to refer it back to the Committee. It could be laid upon the table until next meeting, unless there has been something developed here which

should be further considered. The Committee is bringing to the Association the result of the work of the Conference of the Commissioners covering a period of a year, over a year, and it represents the consensus of opinion of the representatives of all of the States represented. Do not let this Association think for a moment that our Committee has any desire to hasten its judgment, more particularly because you have one full year, as I have explained; but there is no occasion to refer it back to the Committee, unless there is some consideration you wish to lay before them.

WILLIAM RIGHTER FISHER, Philadelphia: It is an indirect method of amending the law.

WALTER GEORGE SMITH, Philadelphia: A direct method, I take it.

THE PRESIDENT: How do you make the motion, Mr. Fisher?

WILLIAM RIGHTER FISHER, Philadelphia: I move that the matter be referred back to the Committee, to be reported back to the Association at the next meeting.

WILLIAM W. RYON, Northumberland: I move to amend by saying the consideration of this question be postponed until next year, not that it be referred back to the Committee; I see no necessity for that. I move that its further consideration be postponed until next year.

WILLIAM RIGHTER FISHER, Philadelphia: I will accept that as a substitute for my motion.

Also accepted by the seconder, and the question being upon the motion as stated, it was agreed to.

WALTER GEORGE SMITH, Philadelphia: I would be glad if the members of the Association present would at their leisure study the statistics given in our report showing what the progress of uniform legislation has been. This

Association has been one of the most emphatic and important in its support of the movement for uniformity of legislation. It made this Committee a permanent standing committee, and has at all times supported the legislation proposed, and the Legislature has always given very respectful consideration to the recommendation of the Conference. I trust this report will be pondered during the coming year, because it is most unfortunate that there should be piling up year after year, with the limited time we have for consideration, acts not disposed of. Next year in all probability you will have before you a Uniform Marriage Act, with the session of the Legislature immediately following. We have a Uniform Partnership Act under consideration, and a Uniform Corporation Act. I am not finding any fault with the action of the Association, but I do most earnestly desire that you will be ready at the next session of the Association.

FRANCIS FISHER KANE, Philadelphia: Before the motion is disposed of, may I ask the Chairman of this Committee what the Committee proposes to do with the Uniform Divorce Law?

WALTER GEORGE SMITH, Philadelphia: It will introduce it at the next session of the Legislature.

THE SECRETARY: As bearing upon this subject generally, I think it may not be out of place to state that there has been an increase of interest on the subject of uniformity of legislation to such an extent that I believe now every Territory, district and possession of the United States will be represented or is represented in the National Conference of Commissioners; and I think each State of the Union is also represented, with the possible exception of one State. I think Nevada is not yet represented. And each year there is also an increase in the adoption by these different States, Territories, districts and possessions of the United States of some one or other of these uniform acts. And

also, as bearing upon the same subject, I would state that the next conference of commissioners will assemble on the 23d day of August and continue in session five days, until the 28th day of August, which is Monday, and will then be followed by the meeting of the American Bar Association on the 29th, 30th and 31st of August. And the commissioners never adjourn finally until after the American Bar Association has adjourned, because quite often matters will come up before the American Bar Association, which require the assembling of the commissioners to take some action to be reported back to the American Bar Association. So that it may be said that there will really be eight days during which the commissioners will be in session, or ready to be in session.

THE PRESIDENT: The next order of business is the consideration of the report of the Special Committee on Legal Ethics.

NATHANIEL EWING, *Chairman*, Fayette: The report having been printed and distributed several days ago, we may presume that its contents are well known to the members of the Association at this time. The recommendation raises nothing inconsistent with the canons of ethics adopted by this Association last year, nothing that is infringing on those canons, and nothing which the Committee does not regard as necessary in order to make those canons complete. We have reported a number of precepts, recommend that they be adopted in addition to the canons of the American Bar Association, and I move that the precepts reported by this Committee be adopted by this Association.

Duly seconded, and agreed to.

THE PRESIDENT: The next in order is the consideration of the report of the Special Committee on the Constitution of Courts in Pennsylvania, Hon. Harold M. McClure, Chairman.

THE SECRETARY: This matter was postponed last year until this meeting; and I would call attention to the fact that there are here a number of reports of last year, and there is before the Association the supplemental report which will be taken up in connection with the report of last year.

HAROLD M. McCCLURE, *Chairman*, Union: In 1909 this Committee submitted a report to the Association, and the recommendations of the Committee as embraced in that report called forth considerable debate, and we were requested to obtain the sentiment of the various Bar Associations of the State on our recommendations. These recommendations were as follows:

1. That the Superior Court be abolished.
2. That the Judges of the Supreme Court be increased to fourteen by the transfer of the Superior Court Judges thereto.
3. That the Judges sit in two divisions of seven Judges each at the seat of government.
4. That where there is a dissenting opinion the cause shall be put down for argument before the full Bench or Court in banc.

We recommended, as necessary to carry this into effect, an amendment of the constitution, with a schedule annexed to the amendment.

The reasons which we gave for the adoption of this report were that the judgments of the Superior Court were not decisive of the law and lead to uncertainty and confusion; that by allowing a series of appeals from Court to Court the law may be established by a small number of Judges against nearly the whole current of judicial opinion, as the decisions of the Court are not final, a delay in the administration of justice results; that the establishment of the Superior Court was not at the time deemed an ideal

remedy, and only justified because the demand for relief was urgent and this was the only practical way of attaining it; and that the Court was peripatetic. And we recommended that certain return days should be fixed without regard to counties, the present rules providing certain return days for counties having been severely criticised by the profession, and with the exception of appeals from Philadelphia County and cases of murder of the first degree, writs are returnable and arguments can be made but once a year.

Debate was had on the question of the advisability of consolidating the Courts as one Court. Mr. Schaffer raised that question, that we had better have one Court, so that a certain number of the Judges could be hearing arguments and others off the Bench preparing their opinions. There was a division of sentiment on this question, and therefore we were asked to submit the following questions to the Bar Associations of the State:

First.—Whether or not it is wise to consolidate the Supreme and Superior Courts, and have the Courts sit in two divisions; or

Second.—To consolidate it as one Court; or

Third.—To retain the present constitution of the Courts.

Our Committee endeavored to obtain, by circular directed to all the Associations of the State, their views on that subject. We have been at that for two years. The Secretary can probably appreciate how difficult it is to get answers from some people. Many of the counties never responded at all. Others have no Bar Associations, and some took no action. The action of the larger counties, such as Allegheny, Philadelphia, Blair, Centre, Lancaster, Mifflin, Warren and Washington, favored the present constitution of the Courts. Clearfield, Erie, Forest, Lebanon, Union and Snyder favor consolidation of the Courts, but would

have the Court sit in two divisions. The Committees appointed by the Delaware, Warren and Cameron Associations were unable to agree. Butler referred the question to a Committee. No action was taken by the Cumberland, Luzerne or Montgomery Associations. All of the other Associations replied to communications. We were not satisfied in sending one letter, but directed a number of letters to each of these Associations, and this is the result of this correspondence. So far as the Chairman of this Committee is concerned, I have said all I care to say on the subject. It is not for me to run counter to the will of this Association, to the great mass of the lawyers of the State. Notwithstanding all that has been said, however, and the reports that have come in to me, I am of the same opinion that I was at the start. I believe that the law's delay is a monstrous injustice. I get that not from a negative point of view; I get that from at least one member of this Association present to-day. I know from positive view that the law's delay works in many cases great injustice. This to me appears one way of remedying that, limiting the number of appeals. A man should have one right to appeal to one Court, and not be bound to go from Court to Court by a series of appeals run tandem, one after another. That is an injustice, and works injustice.

Let us take one case, the celebrated case of Dr. Crippen, as compared with our method. Crippen was arrested in this country, in Canada, taken to London. He arrived there very shortly before the fall term or long term. He was indicted on the 12th of October; he was brought before the Chief Justice without delay on the 18th for trial, the trial started on the 18th, the trial was concluded and a verdict rendered on the 22d, and he was sentenced within ten minutes. He took an appeal, and the Court of Criminal Appeal heard this case on the 5th of November. On the 26th of November he was hung. Now if you will compare that with our method of procedure in the recent Capitol

trials, the comparison is not at all complimentary to our methods. Cases like these are just an illustration of the point, the necessary delay if a man can appeal from one Court to another. It is useless to say that in many cases they do not appeal, that one appeal ends most of them, the fact is that in the most important cases, the ones which ought to be properly ended, another appeal can be had, and every man lives at least in the hope of obtaining it.

I do not care to add anything more to what I said, because I do not want to inflict myself too much on this Association. I move the adoption of the report of the Committee presented in 1909.

Duly seconded.

EDWARD J. FOX, Northampton: I would just like to say to the Chairman of this Committee that the Northampton Bar Association met, considered the matter and reported in favor of the continuance of the Courts as at present constituted.

ALEX. SIMPSON, JR., Philadelphia: I am opposed to the recommendations of this Committee. It is a very safe sort of rule to say, Never disturb a good thing. The present appellate jurisdiction in Pennsylvania, in so far as we can determine it, is a good thing. Judge McClure's illustration of the Crippen case is very inapropos. A murder case never goes to the Superior Court and therefore never requires an *allocatur*.

HAROLD M. MCCLURE, Union: In the Capitol cases, there was an *allocatur*, was there not?

ALEX. SIMPSON, JR., Philadelphia: The Capitol cases were not murder cases. I do not know myself what the criminal practice in England is—and you have illustrated nothing except murder cases—and I am following your illustration. Not what might have been—the saddest of sad words. Under the law of Pennsylvania as it exists to-day,

a murder case is put at the head of the list after a time, which is brief, quite brief enough, as counsel who try these cases—I never have tried them—tell me to prepare properly the paper books. The cases are disposed of very promptly after they reach the appellate Court. The delay which exists, exists at the two ends, from neither of which will the report of this Committee help us at all. The delay is in bringing the cases to trial, and fixing the date in executing the sentence after final conviction. The report of this Committee does nothing, and in the nature of things can do nothing to help us in those regards. The Supreme Court, even in the ordinary cases in which an *allocatur* is allowed to the Superior Court, has by rule adopted about a year ago, provided that all cases shall be put at the head of the list for the third week succeeding the allowance of the *allocatur*. That is certainly not a long extension of time. So that, so far as the cases in which appeals are allowed from the Superior to the Supreme Court are concerned, there is absolutely no basis whatever, at the present time at least, for the complaint of a delay in justice. There are delays, as I said, in civil cases and in criminal cases alike, in bringing the cases to trial. There are delays growing out of the fact that in both the Supreme and Superior Courts there are fixed return days, as to which the Committee makes its report and with which I am in hearty accord. But none of those things are matters which would be affected by the consolidation of the two Courts.

Now, I happen to have a reasonably active practice in the Supreme Court and I am prepared to say that the Supreme Court of Pennsylvania is the best Supreme Court that has existed in the last thirty-one years. I hate to disturb a good thing like that. I am not going to reflect on any of the members of the Superior Court *eo nomine*, but I will ask the gentlemen who are listening to what I am now saying, to run over in their minds the names of the Judges of that Court, and say to themselves how many of

those Judges, if they were in the executive mansion, they would have appointed to the Supreme Court in case of vacancy. There are men on the Superior Bench as good as any on the Supreme Bench—I do not want to be misunderstood—notably the present presiding Judge of the Superior Court. But that does not help us any. Are we now prepared to say, when we have got a system which is working reasonably automatically, of which there is no fair ground of complaint, that we want to disturb that system? It is true that every once in a while, as the Committee reports, the Superior Court will decide a case one way and by and by the Supreme Court will come along in another case and decide in another way; but that is a difficulty, as was said in the report of the majority of the Committee of the Law Association of Philadelphia, inherent in the constitution of human tribunals, and we only have to look into the Supreme Court reports themselves to so find. There are in the records of the Supreme Court two precisely antagonistic conclusions reached in the same volume, but that does not tell so seriously against the Supreme Court as its mere statement would seem to imply. If we had a Supreme Court, or any other Court, which was so tied down that, after they had made a mistake, they could not or would not see the truth, why of course then you would have a Supreme Court, not that ought to be consolidated with the Superior Court but that ought to be abolished. There ought to be some way of getting rid of a Court like that. But when you have a Supreme Court, the seven members of which mentally measure up pretty evenly, perhaps not like some of the Judges of the olden time, even as viewed in the perspective of to-day much better than their colleagues, if you compare one with another, but seven men who are measuring up with evenness; though we may disagree with them in our own cases, inasmuch as they practically always reach a righteous conclusion and practically always allow an *allocatur* from the Superior Court if

the decision of the Superior Court is palpably wrong, or it is a case of such magnitude that it ought to be heard by the Supreme Court, the part of wisdom is to let that system alone.

I therefore move that the report of this Committee be accepted, the subject be indefinitely postponed and the Committee discharged.

Duly seconded, and agreed to.

HENRY C. NILES, York: I think just a word is pertinent here and may save time. If you allow me, I would like to offer this resolution, to bring to some sort of practical head the evil that we all believe can be removed in regard to return days. I offer the following resolution:

Resolved, That the Special Committee on Constitution of Courts in Pennsylvania be re-constituted and that it be instructed to consider the subject of return days for appeals to the Supreme and Superior Courts, and to draft amendments in law and practice, to the end that such appeals may be determined more speedily than under the present system of annual return days for the various counties.

JOHN B. COLAHAN, JR., Philadelphia: Ought not that to go to the Committee on Law Reform?

HENRY C. NILES, York: I will withdraw the resolution for the present, with notice that I shall present it tomorrow.

THE PRESIDENT: I will accept service of that notice.

HAMPTON L. CARSON, Philadelphia: In view of the matter which seems to have a fixed root in the mind of Judge McClure, I want to point out to the Association that very many of the evils which have been referred to by Judge McClure's report will in all probability be discussed in the paper to be read by Judge Ralston to-night. He has carefully tabulated the results of all the cases of murder from the time of the founding of the Commonwealth to the

present which have gone to the Supreme Court. I do not intend to anticipate the result of that tabular analysis, but I merely mean to say that if gentlemen desire to come to a conclusion which is not impulsive or emotional, or the result of some vague impression from an entirely unstudied view of the situation, they had better guard their judgments until they find the results that the tabular analysis will show. I think it will confirm what the gentleman from Philadelphia has said, that so far as the trial of criminal cases is concerned, the delay is not there, that the delay is entirely prior to trial, or after sentence. And I know from my own experience as Attorney-General that one of the most grievous forms of delay was in these unregulated applications to the Board of Pardons, delaying until the very eve of execution the application to executive clemency in order that the case might come before the Board of Pardons. I think we will get a very substantial aid to a right conclusion by awaiting the result of Judge Ralston's paper.

THE PRESIDENT: Next in order is the consideration of the report of the Special Committee on the Judiciary.

THOMAS S. BROWN, *Chairman, Allegheny*: Your Committee has had this very important and very difficult subject before it for two years, and has struggled with the difficulties and has to admit that the results reported do not seem to the Committee commensurate with the effort put forth in dealing with the subject or with the importance of the subject. The Committee have found it impossible to agree fully on recommendations covering the whole subject which was referred to it; and the reason of that largely is because the subject itself embraces features which differ from each other and affect men's minds differently, so that the diversity of views of individuals is such that it has not been possible to get a complete agreement on all these several features. We have presented a report which may be

said to be but a partial one, and yet we respectfully ask the Association that we may be discharged if they see fit.

The subject-matter referred to this Committee seems to divide itself up into at least three and possibly four different features, and we reported a year ago pretty fully on all those three subjects. The first of them is the method of selection of Judges. Our report at this time is a report merely on the opinion of the majority of the Committee without recommendation as to the manner in which that opinion may be carried out. If the Association sees fit to accept and approve the opinion of the majority of the Committee, it will be necessary for the Association to take some further steps in order to determine how to carry it out.

On the subject of the method of selection of Judges, your Committee reports its opinion as of the majority, four out of seven, that the appointive system should be approved rather than the system by election, such as now prevails, and that we return to the system of appointing Judges as it existed before the Constitution was amended. Of course that will require a constitutional amendment. But the several features involved in that subject are such that your Committee has not agreed upon them and does not make a positive recommendation as to how that shall be carried out. How long the terms of the Judges should be, for life or for limited terms, eligible for reappointment or otherwise, by whom the appointment should be made, and the features which will suggest themselves to the mind of anyone who considers the subject, we have to report as unsettled in our own minds. I do not know whether the Association wishes to act upon this report part by part or not. This is probably the main feature in the report, this feature of the selection of Judges. Your Committee reports the opinion of the majority that it would be in favor of the selection of Judges by appointment rather than by popular election.

Another feature involved in the general subject is the power and right and duty of appointment by the Judges to

offices of various kinds that are in no way connected with the administration of justice or the actions of Courts themselves, pretty fully suggested in the report of last year and pretty well known to all members of the Association. We report again this year the same recommendation which we made last year upon that subject, to wit, that the sentiment and influence of this Association should be directed against further increase or extension of the power of appointment by Judges of officials not directly connected with the conduct of the business of Courts of justice in this Commonwealth.

The third subject, or feature of the subject, is the question of the granting of liquor licenses; and the practically unanimous opinion of your Committee is that the liquor license business ought to be taken from the hands of the Courts of Quarter Sessions, that the Judges of the Courts of Quarter Sessions ought not to be burdened with that difficult, distasteful and entirely non-judicial function; and we report in favor of that sentiment. But there again the difficulty is such that we can reach no conclusion; because, if the duty and function of granting liquor licenses is taken away from the Courts of Quarter Sessions it must be lodged somewhere else; and it ought not to be taken away from the Judges until some other tribunal is provided. And this Association probably ought not to put itself on record as favoring the taking away of that power from the Judges until they have indicated some place else where it ought to go. But the constitution, character and features of that tribunal to which the liquor license business should be transferred are so peculiar to themselves, and create such a diversity of views, at least among the members of this Committee, that we report the recommendation that the Association, if it thinks it fit to further pursue this subject, appoint a special Committee charged with that particular duty, to investigate, report, and, if possible, recommend a substitute tribunal for the granting of liquor licenses.

There are two other features in the report. Recommendation 1 is in the case of the matter of the assignment of Judges under the Act of April 27, 1911, which requires the Judges of the different counties to inform the Supreme Court of their willingness and opportunity and having time at hand to serve in other counties, to register with the Prothonotary of the Supreme Court. Our recommendation on that point is that that act should be further amended, that the assignment of these Judges to the districts where they shall sit shall be done by the Supreme Court and not by the mere selection of the Judges of the districts where they are to go; that the Judges being registered shall be sent out in rotation, or in order, rather than picked out as they have been; this, for the purpose of avoiding any of the political effect which seems to be involved in the selection of Judges called from one county to another to sit on special cases.

Another recommendation is that there shall be a time limit fixed for the decision of all cases after they have been argued finally before a lower Court. I will say that since this report was prepared, some members of the Association have said to the Chairman of the Committee that there is already a time limit fixed by statute.

ALEX. SIMPSON, JR., Philadelphia: Judge McClure says six months; and that fixed period is as absolutely useless as any other one would be.

THOMAS S. BROWN, Allegheny: I move that the report be approved, and the Committee discharged.

Duly seconded.

NICHOLAS M. EDWARDS, Lycoming: I move to amend by inserting that the report be laid on the table, and the Committee discharged.

FRANCIS FISHER KANE, Philadelphia: I want to say something on that motion. I heard this report when it was

read yesterday—some of us did not have that privilege—and those of us who listened to it regret very much that it was not printed. If this matter is simply laid on the table and the Committee discharged, the work of this Committee is really gone. I think it would be much the wiser course, if the gentleman from Lycoming permits me, to refer the matter back to the Committee or to postpone the matter until the report be printed and sent to the members. I, therefore, move that the consideration of the report of the special Committee on the Judiciary be postponed until next year, that the report be printed and sent as soon as possible to all the members of this Association, and that the Committee be continued.

NICHOLAS M. EDWARDS, Lycoming: I accept that as my motion.

Duly seconded.

WILLIAM W. RYON, Northumberland: I cannot understand how the Committee expects this Association to pass upon this matter when they cannot agree upon it themselves. I can see no use in referring the matter back to the Committee because they have not agreed upon it, and I question whether they can agree upon it.

The question being upon the motion of Mr. Kane, as accepted by Mr. Edwards, it was agreed to.

WILLIAM I. SCHAFER, Delaware: I would like to ask the privilege of offering a resolution at this time, which I know is out of order, but I am compelled to leave and cannot be here to-morrow when resolutions come up in their regular order. Some litigation that I have been concerned in in other States leads me to introduce this resolution:

Resolved, That the Committee on Law Reform be directed to consider and report on the advisability of recommending to

the Legislature an act to abolish the general verdict in all civil cases brought in the Courts of the Commonwealth, and providing for a special verdict of the jury in all such cases.

Duly seconded.

What gives rise to this resolution is this: I find in the trial of cases, particularly in Michigan, that, instead of having a general verdict for the plaintiff or defendant submitted to the jury, it was the right of counsel on either side to submit to the jury the request for a special verdict to consist of five findings, so that you have the judgment of the jury upon the five. They say that their experience is that there are never more than five real issues in a case. I talked with some of the leading lawyers in Detroit, and with other practitioners in Michigan, and particularly with an English barrister who was visiting in this country, and he told me that the same system prevailed in England. I am convinced that the system has very great merit; that is to say, instead of a general lumping verdict, either for the plaintiff or defendant, the jury finds specially five issues submitted by counsel and framed by the Court, and on those special findings a judgment is founded by direction of the Court. I know it is a matter that is being considered in a number of other States, and it seems to me a matter worthy of consideration and report by the Committee on Law Reform.

The question being on the adoption of the resolution offered by Mr. Schaffer, it was agreed to.

THOMAS S. BROWN, Allegheny: Before we leave the subject of the Special Judiciary Committee, it has been directed that the report this year, which unfortunately was not printed, should be printed and distributed before next meeting; I wish to make a further motion in connection with that, namely, that along with this report the report of the Committee made in 1910 shall be reprinted.

Duly seconded, and agreed to.

THE PRESIDENT: The next report for consideration is that of the Special Committee on Revision and Unification of Statutes. Has the Committee any further report to make this morning?

CHARLES WETHERILL, JR., Philadelphia: There is nothing further.

CHARLES D. GILLESPIE, Allegheny: As I understand, the Special Committee on Judiciary has not been discharged?

THE PRESIDENT: It has not.

CHARLES D. GILLESPIE, Allegheny: I would like to say this—that is, as we all understand, a very important matter, especially with regard to whether the present system of selecting the Judges in the lower Courts be continued, or partly or wholly abandoned, and a return made to the old plan. It appears that the Allegheny County Bar Association has been considering the same matter, with the result that a Special Committee made a report in February of this year, which I have in my hand, and which appears to cover all the various stages of the case, and finally recommends that we go back to the old appointive system. Now, the report of this Committee practically recommends the same thing, but differs from the Allegheny County Bar Association Committee in many minor details. If at our next meeting this Association decides that it would be better to press an amendment to the Constitution and go back partly or wholly to the old system, you will immediately run into this plan of the Allegheny County Committee, and we would come to the Legislature with a divided force. I therefore suggest that our Committee be instructed to confer with the Committee in Allegheny County to see how far they can harmonize their two reports, and I make a motion to that effect.

Duly seconded, and agreed to.

ALEX. SIMPSON, JR., Philadelphia: I move that the report of the Allegheny Bar Committee be printed in conjunction with the report of our Committee.

Duly seconded, and agreed to.

On motion, adjourned.

SECOND DAY, EVENING SESSION

WEDNESDAY, *June 28, 1911.*

The Association resumed its sessions at 8 o'clock p. m., President SMITH in the chair.

THE PRESIDENT: The meeting will please come to order. The Hon. ROBERT RALSTON, of Philadelphia, will read to us to-night a paper on "The Delay in the Execution of Murderers."

(For paper on "The Delay in the Execution of Murderers," by Hon. ROBERT RALSTON, see Appendix.)

On motion, adjourned.

THIRD DAY, MORNING SESSION

THURSDAY, *June 29, 1911.*

The Association reconvened at 11 o'clock a. m., President SMITH in the chair.

THE PRESIDENT: The first order of business this morning is the reading of a paper by JOHN MARSHALL GEST, Esq., of Philadelphia, on "The Law and Lawyers of Balzac."

JOHN M. GEST, Philadelphia: Mr. President, Gentlemen of the Pennsylvania Bar Association, Ladies and Gentlemen: It should be a matter of great regret that the

distinguished member of this Association who was expected to read a paper at this time found himself, by reason of the pressure of his professional engagements, unable to prepare it. Your Executive Committee having invited me to take his place, I have been compelled to make use of material previously collected for another purpose. Had there been time for me to write a paper especially for this meeting, I would have tried to prepare myself upon some technical question of legal interest. As it is, all I can say is that no one here will derive from this paper a single useful or instructive thought.

Let me first clear up an uncertainty which I understand exists among some of you as to where or what Balzac is. There is apparently an impression that Balzac is situated somewhere in Fiat County. This, however, is not correct. Balzac is nowhere in Fiat, nor anywhere, indeed, upon the face of the earth. Balzac is safely under ground, and is likely to stay there.

I should say a word, by way of preface, as to my treatment of the subject. It seems appropriate, in speaking of the law and lawyers as they are recorded in the works of a great novelist, to say something by way of general criticism of the author, in order that his point of view may be ascertained. And here the temptation is to wander among the byways of a vast subject. Balzac's writings fill twenty-six volumes of the French Edition Definitive, and the Saintsbury Edition in English of the novels fills forty fat volumes. So much has been written upon Balzac, and there is so much to be said, that I am only able within reasonable limit to give a condensed and I fear a superficial estimate. And in treating of his law and lawyers, the danger on the one hand is that in the effort to be full and accurate this paper should be lengthy and tedious; on the other, that in trying to be concise it should be dry and technical. What I propose to do, therefore, is first to give a general view of Balzac's writings and his personal connec-

tion with the law, then to extract from his voluminous writings a few of his more striking comments upon the law and his description of lawyers, then to show the permeating influence of the law upon his novels, and finally to illustrate that influence in particular.

(For paper on "The Law and Lawyers of Balzac," by JOHN MARSHALL GEST, ESQ., of Philadelphia, see Appendix.)

THE PRESIDENT: After introducing the speaker, Judge Staake, with that great accuracy for which he is noted, said to me, "You should have introduced him as Judge Gest; he has just been appointed to the Orphans' Court of Philadelphia, and will be ordained on Saturday." Does it not seem, Gentlemen of the Pennsylvania Bar Association, and Visitors, that it is almost a mistake to take a man who can write as delightful a paper as that and make him a Judge?

Is there any discussion of the papers?

THE SECRETARY: On Tuesday afternoon a motion was made that all Committees that had not reported either at this meeting or at the preceding meeting should be considered as discharged. Under that Mr. Meagher's Committee on the Jury System was discharged. This morning I received the following telegram, dated yesterday:

"Greatly to my regret have been unavoidably and most unexpectedly detained here. Had intended in particular on behalf of the Committee on Jury System to explain personally what has been done, and report progress, and to request that the matter lie over until next meeting.

(Signed) THOMAS JAMES MEAGHER."

I thought it my duty to communicate this, so that if it was deemed wise to reconsider the action of Tuesday afternoon it might be done so far as this Committee is concerned.

ALEX. SIMPSON, JR., Philadelphia: I move to reconsider the action taken on Tuesday afternoon with reference to the discharge of the Committee on Jury System.

Duly seconded, and agreed to.

WILLIAM H. STAAKE, *Secretary*, Philadelphia: I now move that the report of progress by the Committee on Jury System be received and the Committee continued.

Duly seconded, and agreed to.

THE PRESIDENT: Is there any further Unfinished Business? If not, we are ready now for New Business.

GEORGE WENTWORTH CARR, Philadelphia: I desire to offer this resolution:

Resolved, that the Committee on Law Reform be hereby requested to consider whether it is not desirable to add a section or sections to the draft of the act relating to proceedings supplemental to execution approved by this Association yesterday, providing for the immediate granting of an order restraining the debtor from disposing of any property disclosed by the hearing provided for by said act or for the appointment of a receiver to take possession of the same or for both. The said Committee to report its conclusions to the next meeting of the Association.

Duly seconded, and agreed to.

CHARLES D. GILLESPIE, Allegheny: Yesterday I spoke a few words about the report of the Special Committee on the Judiciary, Mr. Brown, Chairman, which has been in existence for two years and has made at this session a rather unsatisfactory report. I think that arises from the fact that the members of the Committee never met to consult personally with one another. There was a resolution passed to that effect, to have them meet, at the last meeting, but the Committee did not meet. I think that the business is important enough for us to have a consensus of some minds who will get together and discuss the question and give us results. I have discovered that the Allegheny County Com-

mittee, which is operating on the same subject, is composed entirely of members of this Association, and I was therefore going to suggest the advisability of the Chair being authorized to add to our Committee at least three members of the Allegheny County Committee. I feel then they will certainly get together and discuss the matter. I therefore offer a resolution to that effect.

Duly seconded, and agreed to.

EDMUND E. KIERNAN, Somerset: I have been so impressed with the initiative taken by this Association in various matters, and have been so impressed with the referendum by much of the work here, and I have been so impressed with the idea of the recall, as, for instance, suggested by the last report of the Committee on Law Reform, in the statement therein that a certain bill was "referred back to the Judiciary General Committee of the Senate. Inquiry developed the fact that it was opposed by certain persons in whose judgment the Senators professed to have confidence, but whose names they would not disclose. Nothing further was done with it"—a very good argument in favor of the recall—that it may be possible we want the hoi polloi—if you understand that phrase—

[THE PRESIDENT: I do sir.]

—to have the privilege of the initiative, referendum, and recall. I, therefore, move that the Committee on Law Reform be requested to consider and report upon the advisability of the adoption of the initiative, referendum, and recall, in Pennsylvania; and to report a method therefor.

Duly seconded.

ALEX. SIMPSON, JR., Philadelphia: I move to amend that by saying that the matter be referred to a special Committee of Five.

Duly seconded.

HOWARD W. PAGE, Philadelphia: Are we not going outside of the ordinary duty of a Bar Association in taking up a question of this character? It seems to me that this is almost entirely a political question, and not properly within the domain of law as the Bar Association has heretofore understood it, and I think, therefore, it is a mistake to enter upon a matter of that sort.

THE PRESIDENT: I should say that it is not purely a political question. The question before the house is Mr. Simpson's motion that this matter be referred to a Committee of Five.

The question being upon the amendment as stated by the Chair, it was agreed to.

The question being upon the motion of Mr. Kiernan as amended, it was agreed to.

EDWIN M. ABBOTT, Philadelphia: There is a subject which probably has been called to the attention of every member here at one time or another during the past few years—it has attracted widespread attention not only in the various States, but even in our national legislative halls—and that is the question of the Third Degree. Probably there are some here who do not know what the term means, and who will not know until they are brought in actual contact with it by representing someone who has passed through the Third Degree as it is practiced in the large cities. To have a woman accused of murder kept upon her feet for forty-eight hours, as I know one woman put through such a course, without any sleep, who was taken to a window and told to look at the beautiful sunrise to find the shades going up and herself looking upon the coffin of her two children, and then asked, "Will you admit now that you poisoned them?"—this sort of tactics, to my mind, has come now to a pass when they must be recognized and dealt with in some way or other by the Bar

Association of this great State. I know that happened, and I could detail many more instances of the same kind. And when the matter has grown to such proportions that our own National Congress has appointed a Committee to investigate this Third Degree throughout this land, and which Committee went to Atlantic City within the last year and examined there into the conduct of a case by the police, I think the time has come for us to take some action. I introduced a bill during the last session of the Legislature dealing with this matter. The police at once arose in arms, but I did succeed in getting it on the floor of the House, and, by some remarkable coincidence, the bills upon final passage stopped just as they reached that bill. I think certain members of the Legislature did not wish to be put on record with regard to that legislation. I am of opinion we ought to take some notice of it here with regard to one point only, and that is all I am going to bring before this body. I have a resolution with reference to confessions under such conditions, brought into Court for the purpose of convicting, sometimes innocent persons, at other times maybe guilty persons, but at the same time confessions procured under such circumstances that they are not and ought not to be admissible. I would offer, therefore, a resolution that an act be drafted to be presented to the Legislature that upon all discussions upon the admissibility of such a confession, the jury should be withdrawn from the Court room. There is a Supreme Court decision in this State which follows out my line of thought. It was so decided, but it has never been followed, or at least not in Philadelphia County. I think the time has come when on the question of confessions we can afford to follow such a rule as is practiced in many tribunals in other States. I, therefore, present this resolution:

Resolved, That the Committee on Law Reform consider the subject of the Third Degree in homicide cases, in so far as it relates to the argument upon the admissibility of any alleged con-

fession in the presence of the jury, and to report upon the same at the next meeting of the Association including in their report if deemed advisable, the outline of an act requiring the trial Judge to withdraw the jury from the room during any such discussion.

Duly seconded, and agreed to.

JOHN W. WETZEL, Cumberland: On behalf of the Committee on Admissions I desire to make the following report:

"To the President of the Pennsylvania Bar Association:

The Committee on Admissions beg leave to submit the following supplemental report:

The following applications for membership have been received during the sessions of the present meeting:

H. G. TINKER	Allegheny.
CHARLES E. WHITTEN	Westmoreland.
LLOYD STEININGER	Union.
THOMAS H. GREEVY	Blair."

I move the admission of these gentlemen to membership in this Association.

Duly seconded, and agreed to.

EDMUND E. KIERNAN, Somerset: I live in the country, and have therefore observed the bad workings of the Township Law in Pennsylvania. We feel the necessity of having good roads, and under our present township system we feel we shall never get them. That is a matter that ought to be reformed. For example, in one township the Court of Quarter Sessions has granted the opening of 191 miles of public roads, and the township has a population of about 5000. It is absolutely impossible to keep those roads good, and yet the supervisors under our statutes have no power of discrimination as to what roads really should be made. To me it is highly important that all this should be bettered.

We have first-class and second-class cities and a borough system, and we ought to have something done to help the townships. I therefore move that a Special Committee of Five be appointed by the Chair to consider the question of reform in township law, and to report thereon.

Duly seconded, and agreed to.

THE PRESIDENT: In view of the fact that the gentleman from Somerset has made the motion in relation to the Committee on Initiative, Referendum and Recall, and that he has made the motion in relation to townships, if he would combine the two and get up a bill himself, it seems to me it would simplify the matter a great deal.

Is there any other New Business?

HENRY C. NILES, York: I desire to add a modest contribution to the sheaf of variegated resolutions, as follows:

Resolved, That it is the sense of this Association that a change should be made in regard to writs on appeals to the Superior and Supreme Court to the end that such appeals may be determined more speedily than under the present system of annual return days for the various counties; and that the Committee on Law Reform be instructed to consider the subject and report as to appropriate changes in law and practice required.

Duly seconded, and agreed to.

T. ELLIOTT PATTERSON, Philadelphia: I have been requested by one or two members of the Association to give a brief statement of the collection that our Association has in the room of the Law Building of the University of Pennsylvania. We have been gathering for a number of years, and have at different times in our report of the Committee on Legal Biography stated the number of photographs of the members of the Bench and Bar of the State that we have so far gathered, and also the number of photographs of Court buildings that we have gathered in. The question was put to me the other day as to what we were doing with

them and where we were holding them. At every meeting we have had a resolution passed thanking the University of Pennsylvania for the room that they have given us. In this room there are now stored over 2400 pictures of the Bench and Bar of the State, and also of the Appellate Courts in ten of the thirteen original States. We have now the photographs of forty-one of the Court buildings out of the sixty-seven counties of the State. Of group pictures of the Bar of different counties we have gathered in about eighteen. The room in which they are kept is open during the entire session of the Law School, and is in the care during that time, from 10 to 5, of some law student of the University who is selected for that purpose; and for the information of the members of the Bar from other portions of the State, who come to Philadelphia to attend upon the Supreme Court or for any other business, if they have time, we will be very glad to have them come out to Thirty-fourth and Chestnut Streets and see the collection that we have there.

I might add that a very valuable collection, as you will recall from the former reports, was that of the purchase made from Mr. Rosenthal of the Attorneys-General of the United States and of the Chief Justices and Associate Justices of the United States Supreme Court—a collection that we considered of such value that the Association paid for it \$400 or \$500. Mr. Carson knows something of the value of that collection. I make this statement in answer to a question, so that you may know that we have those upon the walls of this room at the University, and we would be very glad to have the members of the Association come to see it.

EDWIN M. ABBOTT, Philadelphia: I have one other matter I would like to bring before the Association, and that is in support of the Law Association of Philadelphia in its stand for a Municipal Court or an Intermediate Court. The congestion of the Courts of Philadelphia has reached

such a condition that it must receive the assistance of this body and force through legislation to some effect, if not to the establishment of a Municipal Court, at least to the establishment of an Intermediary Court of some kind. Allegheny County, at the last session of the Legislature, was assisted by the creation of an Intermediary Court in the Powell bill. Whether that act will be held unconstitutional or not it is not for me to say, but it is certain that there can be a Court created which will relieve both in Philadelphia and Allegheny, as well as in any other section of the State where congestion needs relief. I therefore present the following resolution:

Resolved, That a Committee of Seven be appointed to consider the creation of an Intermediary or Municipal Court in cities of the first and second class, to draft a bill for the establishment of the same, and report at the next meeting of the Association.

Duly seconded, and agreed to.

JOHN B. COLAHAN, JR., Philadelphia: There are two appropriations usually made at this meeting; one is of \$125 for renewal of dues of the Association in the Comparative Law Bureau of the American Bar Association, and the other is that of a sum not exceeding \$750 for the Committee on Legal Biography. I move that those appropriations be made.

Duly seconded, and agreed to.

On motion, adjourned.

THIRD DAY, AFTERNOON SESSION

THURSDAY, *June 29, 1911.*

The Association re-assembled at 3 o'clock p. m., President SMITH in the Chair.

THE PRESIDENT: Is the Committee on Nominations ready to report?

WILLIAM U. HENSEL, *Chairman*, Lancaster: The Committee on Nominations unanimously agree upon the following nominations:

VICE PRESIDENTS

PAUL A. GAITHER	Westmoreland.
A. B. HASSLER	Lancaster.
HUGH B. EASTBURN	Bucks.
WILLIAM RICHTER FISHER	Philadelphia.
ISAAC ASH	Venango.

SECRETARY

WILLIAM H. STAAKE	Philadelphia.
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TREASURER

WILLIAM PENN LLOYD	Cumberland.
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EXECUTIVE COMMITTEE

CHARLES D. GILLESPIE	Allegheny.
CHRISTIAN H. RUHL	Berks.
RUSSELL C. STEWART	Northampton
ANDREW A. LEISER	Union.
JAMES I. BROWNSON	Washington.
T. C. HIPPLE	Clinton.
E. L. WHITTELEY	Erie.
QUINCY A. GORDON	Mercer.
R. STUART SMITH	Philadelphia.
JOHN H. JORDAN	Bedford.
GEORGE C. LEWIS	Allegheny.
J. B. WOODWARD	Luzerne.
H. S. PRENTISS NICHOLS	Philadelphia.
JOHN M. STRONG	Philadelphia.
NICHOLAS M. EDWARDS	Lycoming.
ROLAND D. SWOOPE	Clearfield.
B. FRANK ESHLEMAN	Lancaster.
HARRY KELLER	Centre.
PAUL A. KUNKEL	Dauphin.
JOHN D. DORRIS	Huntingdon.
J. BENJAMIN DIMMICK	Lackawanna.

THE PRESIDENT: What is your pleasure, gentlemen, upon this report?

JOHN B. COLAHAN, JR., Philadelphia: I move the report be accepted, and that the Secretary cast the ballot of the Association for the gentlemen named for the respective offices.

Duly seconded, and agreed to.

THE PRESIDENT: The Secretary reports that he has cast the ballot of the Association as directed, and I declare the gentlemen named duly elected for the respective offices for the ensuing year.

The next business in order is the nomination for President.

HAMPTON L. CARSON, Philadelphia: Mr. President: The hour has come when the mantle of authority which you have worn so gracefully must pass to the shoulders of your successor, and this Association bestow upon another the most exalted and dignified honor within its gift. The high standard of character and achievement which has been illustrated by those who have hitherto held the office of President admonishes us that our selection should be judicious, and that no one unworthy of the distinction of this high place should be chosen. I rise to nominate a gentleman who, having studied law at the Albany Law School as far back as 1862, was admitted to the Bar of the Supreme Court of New York, subsequently went to Luzerne County and was admitted by the Honorable John N. Conyngham on motion of a man equally distinguished, the late Honorable Stanley Woodward. The gentleman I have in mind has held no public office; but his position at the Bar and his entire career as an active practitioner has established his leadership in the eyes not only of his own immediate locality but of the entire State, he being counsel for the mining and the railroad interests which have done so much to develop and sustain the strength of the Commonwealth; and his name will be found as leading counsel, generally, as the author of most luminous and most useful arguments

through very many volumes of reports. I have the honor of naming the Honorable George R. Bedford, of Luzerne.

HENRY C. NILES, York: The kind Providence that supervises the affairs of this Association is benevolent, omniscient and omnipotent. It is a part of my professional religion to as nearly as possible keep in harmony with that inerrant guidance, and so it is a matter of duty that makes me, at the designation of Judge Staake, arise at this place to second this nomination. I am delighted that it is more than a duty in this instance. I consider it a pleasure and a privilege to participate in the handing of this our highest prize to this worthy of our members. I know of no example that is of more importance to the profession and the citizen than that of fifty years of devotion of a high spirited, able, bright, candid scholar, exclusively to his profession, to justice, whose minister he is. For, as I understand it, over fifty years Mr. Bedford has given himself exclusively to this science which we believe is the fundamental of all sciences, he has never had the itch of office; he has been a lawyer and a high spirited, nonpartisan citizen. He has never wanted anything except to do his duty as a lawyer and a patriot, and therefore he has never bent his knee to the demagogue or the boss. He has followed his duty, and he has made a record that it does profit and honor to adorn by this our laurel wreath. I am glad to second this nomination.

H. J. STRAUSS, Luzerne: Mr. President and Gentlemen of the Bar Association: I rise with a great deal of pride and of gratitude to the Association for this message of good-will and fellowship that has come to us in Luzerne from the knowledge that it is the pleasure of this Association to advance Mr. Bedford to the Presidency. If we of Luzerne were looking for a man to put into this place, we could find no one better at that Bar. As has been said here, for fifty years he has graced the profession. He has been

known as a man of happy mind, and wherever he goes he carries happiness for those with whom he comes in contact. His cordial spirit is contagious, as any of you, gentlemen, who know him, may have felt. He is respected by his fellow-citizens in Wilkes-Barre with the best of our citizens. He has done his professional work there in the full eye of the public. He represents great interests. No word of scandal has been in the remotest way associated with anything with which Mr. Bedford has been connected. The page of his professional life is as clean to-day, as clear of any blot or blemish or anything approaching blot or blemish, as it was on the day that he was admitted. And therefore I am proud, as a citizen of Luzerne County, as a member of the Bar of Luzerne County, to second this motion as if I were delegated by the Bar of Luzerne to do it. And on behalf of the Bar of Luzerne, I desire to express our sincere appreciation and gratitude to this Association for having thus honored Mr. Bedford, and through him our Bar.

THE PRESIDENT: Are there any other nominations?

EDWIN M. ABBOTT, Philadelphia: I move nominations close.

Duly seconded, and agreed to.

GEORGE WENTWORTH CARR, Philadelphia: I move that the Secretary cast the ballot of the Association.

Duly seconded, and agreed to.

THE PRESIDENT: The Secretary informs me that the ballot of the Association has been cast for George R. Bedford, of Luzerne, and I hereby declare him duly elected President of this Association for the ensuing year. I appoint as a Committee to notify the newly elected President and escort him to the platform, Messrs. Carson, Niles and Strauss.

(Mr. Bedford was then escorted to the platform by the Committee.)

THE PRESIDENT: Gentlemen of this Association: I take pleasure in introducing to you your new President, Mr. Bedford, of Luzerne. You will pardon me if I say there is no one in this Association that I could greet with greater pleasure than Mr. Bedford. I have known him for many years; he is a lawyer of the highest capacity, a man of the kindest heart—Mr. Bedford.

PRESIDENT BEDFORD: Mr. Chairman and Gentlemen of the Association: Though taken entirely by surprise, candor compels me to say that I have been waiting some half hour on the porch for the visit of this Committee. No Pennsylvania lawyer can fail to fully appreciate the great honor that comes to him when named as the President of the Bar Association of his State, composed of more than a thousand men of his profession. But when I contemplate the long line of distinguished men who have preceded me in this office, I approach its responsibilities with some misgiving. I will, however, undertake to discharge its duties to the best of my ability, and I most sincerely and cordially thank you for the honor conferred upon me.

Is there any Unfinished Business?

THE SECRETARY: There is no Unfinished Business, but the order of New Business is still open.

THE PRESIDENT: We are ready now for any motion.

FRANK C. MCGIRR, Allegheny: I offer the following resolution:

Whereas, the Legislature of Pennsylvania has from time to time, by statute, imposed upon the Courts of Pennsylvania, notably the Courts of Common Pleas, the official duty of making appointments to Boards, Commissions, and to public positions, of the persons necessary to said Boards and positions, and

Whereas, in a majority of instances these appointments, and the duties of these Boards, Commissions and public positions are in no wise connected with the Judicial Department of the government of Pennsylvania, or necessary to the performance of judicial duties by the Judicial Department of the government of Pennsylvania; and

Whereas, the statutory duty of making these appointments has subjected and subjects the Judges authorized and required to make these appointments to the annoyance, solicitations of, and, in many instances, the intimidation by persons seeking these appointments, to the serious loss of time from pressing judicial work, and to the discomfort, irritation, indignity, and in many instances serious interference with the strict performance of their judicial duties, besides bringing the Judge into active politics; and

Whereas, in the majority of cases, in which the law has provided for appointments by the law Courts of Pennsylvania, the appointments could have been as judiciously made by other public officials, or better still, by election;

Now Be it Resolved, and it is the sense of the State Bar Association of Pennsylvania, that the practice of providing by statute for appointments by the Courts of officials, outside the Judicial Department of the government of Pennsylvania, is hereby condemned and for the purpose of maintaining the independence and integrity of the law department of the government of Pennsylvania, and leaving said department free to attend to its strict judicial duties, protected against the annoyance of importunate applicants for appointment, the Legislature is respectfully asked, in the future, in legislation providing for official appointments, to limit those appointments by the Judicial Department of Pennsylvania to the persons necessary in that department of Government.

Duly seconded, and a division being called for, the Secretary reported 41 yeas and 26 nays, whereupon the Chair declared the resolution agreed to.

THE PRESIDENT: Is there any further New Business?

THE SECRETARY: There is an item of business, the appointment of three delegates and three alternates to the next meeting of the American Bar Association which will

be held on August 29, 30 and 31, at Boston, and three delegates and three alternates to the Bureau of Comparative Law of that Association. I think it would probably be in order and a better plan to pursue if we would follow the course adopted last year; and that is have the Association authorize the appointment when the President is advised of the names of those who can go to Boston; that is, to delay the appointment until he can have communicated to him the fact that certain gentlemen, if appointed, can go to Boston. It happens so frequently that gentlemen are named who are unable to attend.

JOHN B. COLAHAN, JR., Philadelphia: I move that the President make the appointment of Delegates to the American Bar Association and to the Bureau of Comparative Law of that Association when he is properly advised.

Duly seconded, and agreed to.*

FRANCIS FISHER KANE, Philadelphia: May I be allowed to say a word in reference to the American Bar Association? A number of us are on what is called the local council in the State of Pennsylvania; and, while the American Bar Association does not canvass for members, it is important, of course, that its roll should contain men of high standing who are representative of their profession no more than that its roll should be sufficiently large to make its influence felt throughout the length and breadth of this country. And there are men, members of this Association, who are not, I am sorry to say, members of the American Bar Association; and it is sometimes hard to

*The following appointments were afterwards made: *Delegates to American Bar Association*: Edwin W. Smith, Allegheny; Robert Ralston, Philadelphia; William M. Hayes, Chester. *Alternates*: Edwin M. Abbott, Philadelphia; Robert E. Umbel, Fayette; Dimmer Beeber, Philadelphia. *Delegates to Comparative Law Bureau*: William W. Smithers, Philadelphia; W. Henry Sutton, Philadelphia; T. Elliott Patterson, Philadelphia. *Alternates*: Robert P. Shick, Philadelphia; Robert D. Jenks, Philadelphia; Francis K. Swartley, Philadelphia.

find them out. It does not occur to them, or to their friends, to speak of membership. The dues are of course nominal; the places of meeting are sometimes so far away from Pennsylvania that it may be very difficult for Pennsylvanians to attend. That is not true this year. The meeting is in Boston, very close to some exceedingly desirable summer resorts, and it is at a convenient time, to wit, the end of August. I therefore hope that if any member of this Association feels inclined to go there he will signify that desire by letting a member of the local council of Pennsylvania know of it, and that we may be able in this way to add to the roll of the Association. There are several men I can think of who are not members of the American Bar Association, and many more that I could not think of now, and who will be most welcome to its membership.

THE SECRETARY: If I might be permitted to do so, I would like to supplement what Mr. Kane has said. As a member of the General Council from Pennsylvania in the American Bar Association, I have had the pleasure of attending every meeting of that Association since and including the year 1901; and it has been to me personally a matter of great regret that Pennsylvania, as a great Commonwealth, has not taken a more active interest in the affairs of this great American Bar Association. It is true that for twenty-five years of its existence a member of our Bar was its Treasurer, and naturally, Pennsylvania being represented in that important post during all that time, as I remember, there was never a President of the American Bar Association from the Bar of Pennsylvania. The gentleman who was Treasurer became the first, and I believe the only, President of the American Bar Association from this State. When I know personally the strength of many of the leaders of the Bar of Pennsylvania, I repeat it has been to me a matter of great personal regret that more of the real giants of our profession have not attended the meetings of this

Association regularly. We have had the appearance now and again of men who are real leaders of the Bar of our State, but it has not been a continuous or consecutive attendance.

Now, if this interest that Mr. Kane has referred to could be taken by the Bar of this State, I know that it would not be long before we would have, as the President of the American Bar Association, one of the former Presidents of the Pennsylvania Bar Association.

ALEX. SIMPSON, JR., Philadelphia: My friend Mr. Abbott, who is sitting beside me here, is so very bashful on account of having introduced a number of resolutions this morning, that he has asked me to introduce one, which I will now read:

Resolved, That a special Committee of Five be appointed, whose duty it shall be to consider and report whether or not it is wise to have uniform rules in the Courts of record of first instance in this Commonwealth, and if so, to what extent and what is the best means to attain the end sought.

I move its adoption.

Duly seconded, and agreed to.

THE PRESIDENT: Is there any further business before the Association?

JOHN B. COLAHAN, JR., Philadelphia: I move that we now adjourn.

Duly seconded, and agreed to.

Adjourned.

THE BANQUET

The Banquet was held on the evening of Thursday June 29th, and was an occasion of good cheer, thoroughly enjoyed by all of the participants.

The menu was excellent, the various courses were well served and the eloquent responses to the toasts were of the highest order and won the plaudits of the members and guests of the Association. As Toastmaster, the retiring President, Edwin W. Smith, proved himself a master of tactful introduction, and those he introduced were inspired to climb the "Heights of Olympus" in responding to the assigned toasts.

The "United States of America" gave ex-Governor Andrew Jackson Montague, of Virginia, an opportunity to show that his State had contributed to the nationalism of America. His art and native eloquence charmed his hearers and won great applause. In the absence of Governor John Kinley Tener—unavoidably prevented from being present—ex-Attorney-General Hampton L. Carson, of Philadelphia, called to service in the late hours of the afternoon, responded in words which will ever be remembered—with a ringing tone of masterful oratory, in showing what Pennsylvania had done in the founding and maintaining of the nation. Another ex-Attorney-General, William U. Hensel, spoke for the "Judiciary," and never had the wearers of the ermine a more eloquent and earnest defender and advocate, in showing the important place, which in the United States of America the Judiciary had in maintaining and defending the Constitution and laws of the country. The "Bar" was responded to by Warren I. Seymour, Esquire, of Allegheny, who passed from prose to poetry in presenting the claims of his profession, while "The Junior Bar," in the person of Samuel B. Scott, Esquire, of Philadelphia, had a thoughtful, scholarly and earnest representative, whose intelligent presentation held the interest of his hearers until this memorable occasion came to a close.

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ANDREW J. MONTAGUE

APPENDIX

A MORE EFFECTIVE CABINET

Address before the Pennsylvania Bar Association

June 27, 1911

By Hon. ANDREW J. MONTAGUE

Ex-Governor of Virginia

Mr. President and Gentlemen of the Pennsylvania Bar Association:

The success and duration of American political institutions depend less perhaps upon the official than what may be termed the unofficial statesmanship of the nation. While this unofficial group has not such a concrete sense of responsibility in the workings of our institutions, yet for reason of personal detachment it is mainly the creative source of our political ideals and of our standards of administrative efficiency.

The American lawyer is no negligible member of this class, and especially do the achievements of the Bar of this Imperial Commonwealth confirm its title to an exalted place in this unofficial but formative and constructive force in our national life, a full appreciation of which implies recognition that this forum is not inappropriate for the discussion of the subject which I would discuss to-day. I am sure that the lawyer of to-day exerts upon public affairs more influence than in former years. The interest in the law, the decline, while not wholly creditable, of the law in the past will not now discuss, but shall, in passing, touch upon the matters of constitutional domain, and in the domain of legislative and juridical procedure, our profession holds a dominant influence. We may recall the constructive judgments of Mansfield, May, and Chief Justice Shaw, the eloquent illuminations of Fisher, and the stirring philippics of Webster, or the entrancing philippics of Lincoln.



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and achievements of these rare and radiant men form an orbit all their own, which still furrows our professional firmament with an expanding lustre. But the American Bar will, from time to time in the coming years, dower the nation with a jurisprudence wider in scope and more responsive to the evolutionary necessities of a constantly advancing civilization—with facts gathered with a more exact induction, arranged in more scientific classification, and more nourishing of the principles of ordered liberty; and while these great contributions may not flare up as a flame to lead, they will rather steadily flow, as oil into the tired joints, and as water into the thirsty lips of our mother Republic.

The American lawyer should not alone be an adviser of clients and a trier of causes; he should more frequently devote his observation and learning to the duties of the statesman and the publicist. With fidelity and fearlessness he should investigate political conditions and determine without traditional or partisan bias whether our institutions are, as now administered, adequate to cope with changed conditions, and if not, he must help fashion them to the needs of a developing and progressive people. He must test the ship of state itself as well as the course of its voyage; and if upon rigorous examination the need of reform in political custom or in governmental administration is disclosed, a historic past should not be invoked through sheer conservatism to keep fast the door against changes essential to a more historic future.

In such a spirit I venture with misgivings to submit as my theme a reform of the Federal Cabinet, whereby its members may occupy seats on the floor of each House of Congress, with right of debate upon matters relating to their several departments, and with the corresponding right of each House to compel their attendance, and to propound interrogatories and interpellations under appropriate rules of procedure. In other words, I would urge the expediency

of a more effective Cabinet system, somewhat analogous to most of the legislative governments of the world, so far as such a reform can be effected under our present constitutional limitations.

Such organic limitations must first be considered. For however desirable a more effective co-ordination of our executive and legislative departments may be, the lawyer must first be satisfied of a clear constitutional warrant for the exercise of any new administrative or legislative function.

A select Committee of the House of Representatives, composed of seven members, with Mr. Pendleton, of Ohio, as Chairman, unanimously reported on April 6, 1864, a bill giving to the Cabinet the powers and imposing upon them the duties I have suggested. Again, on February 4, 1881, a select Committee of the Senate, composed of Pendleton, Allison, Voorhees, Blaine, Butler, Ingalls, Platt, of Connecticut, and Farley unanimously reported substantially the House Bill of 1864, accompanied with copious regulations governing the procedure involved in the change.

Neither of these Committees expressed any doubt as to the constitutionality of the measure; nor was this questioned on either occasion or in either House; indeed, the provisions of the Constitution authorizing such a procedure seemed too plain for controversy. The Constitution vests in the President the power to call together the Congress, or either House thereof, in extraordinary session, and to adjourn them to such time as he shall think proper in the event that they cannot agree upon the time of adjournment. It also empowers him to veto every bill, joint order, resolution or vote, except a vote to adjourn; and requires that he

"shall from time to time give to Congress information of the state of the Union, and recommend to their consideration such measures as he shall deem necessary and expedient."

The clause quoted does not prescribe the form in which he shall present information and measures, nor does it empower Congress to prescribe such forms. Manifestly, this method or form is left with the President, and his presentation of such information and measures in person is no more a usurpation of legislative jurisdiction than his power of veto; in fact, his power to initiate legislation is without any limitation whatever. The Presidents down to Jefferson appeared before Congress and personally addressed or delivered their messages. Perhaps his faulty throat and weak voice induced him to discontinue this particular practice, which has unfortunately never since been resumed. Washington and his Secretaries not infrequently appeared before the Senate and House, making oral explanation of recommendations and measures, as well as of departmental matters. It would therefore seem that if the President can in person or in writing submit measures or bills, Congress may by statute enable the members of his Cabinet to do so in his behalf. The public business in this respect is now inadequately complied with by the transmission by the President to Congress of the reports of the several members of his Cabinet. There is no law requiring these reports to be so submitted; but they have, by custom and necessity, become a vehicle, though a clumsy one, for imparting information to Congress.

We also find that the law originating the Treasury Department in 1789 provides that the Secretary

“shall make report and give information to either branch of the legislature either in person or in writing (as may be required) respecting all matters which may be referred to him by the Senate or House of Representatives, or which shall appertain to his office.”

It may be interesting to observe that in the debate upon this bill it was objected that the right of personal appearance upon the floor of Congress by the Secretary would

lead to a like appearance of all the Cabinet members. Despite this objection, and with the implied assent that such a result would follow, the bill was passed only to remain upon the statute books in a state of "innocuous desuetude." But this does not lessen the impressive fact that for over a hundred years there has existed statutory authority for one member of the Cabinet at least to appear in person upon the floor of either House, and to exercise powers somewhat analogous to those involved in the reform which I bring to your consideration.

It would seem that in the absence of express constitutional authorization for a Cabinet, the Presidents and the country have thought the present system an inadequate method for presenting, explaining or managing bills or measures in Congress. The Constitution prescribes that the President

"may require the opinion, in writing, of the principal officer of each of the executive departments, upon any subject relating to the duties of their respective offices;"

but no cabinet is in terms mentioned here or elsewhere in the Constitution; and, manifestly, this quotation affords no affirmative authorization for the collegiate existence of such a body, or the right of the President to require its collective opinion. He may dismiss them upon such refusal, and secure in turn members who would conform to his request. His right in this respect has never been questioned save during the enormities of Andrew Johnson's impeachment. But the necessities of public business and governmental administration have developed this slim thread into a cable sufficiently strong to bind the principal offices of the "several executive departments" into an association which has long been called a Cabinet, *extra* constitutional though it be. It is perhaps true that nothing differentiates its members from other prominent officials of the executive departments, save that the Cabinet is sum-

moned by the President to his "private council." They, no more than other officials, are within the constitutional inhibition that

"no person holding any office under the United States shall be a member of either House during his continuance in office,"

a provision aimed to prevent a repetition of the improper influences exercised by George Third upon members of Parliament, and which so alarmed the Fathers. Obviously, a Cabinet member does not become "a member of either House" by appearing upon its floor and participating in the debates or answering interrogatories or interpellations; besides, the authority of either House to admit upon its floor, for certain purposes, persons not members, must now be conceded. Such power necessarily belongs to Congress, for it is prescribed by the Constitution that "each House may determine the rules of its procedure," and the admission of members of the Cabinet to the floor is clearly a determination by the House or Senate of its rules of procedure. In this connection we should recall that in contested elections the contestant is frequently not only allowed the floor, but the right of debate upon the questions involved in the contest. The appearance of Sargent S. Prentiss in the exercise of this right accorded him by the House of Representatives will long be remembered as one of the most brilliant of forensic triumphs.

Nor should the absence of specific authorization in the Constitution of a Cabinet imply or justify a political policy prohibiting its members from such participation in the Congress. To sustain at all such a policy we must know that the creation and scope of this particular governmental function were considered and rejected by the Convention of 1787. This can hardly be shown; on the contrary, it seems quite true that the modern British Cabinet was not considered by this Convention at all. A judicial council, in no sense a Cabinet, received scant consideration. The English

Constitution was the prototype of the American and Mr. Bryce states that the modern Cabinet was then unknown to the law of England; certainly, the great publicists of that day, such as Blackstone, Paley and DeLolme, make no mention of it. The Privy Council was then the great active agency, but the secret inner Committee of this Council, which has since developed into the modern British Cabinet, with all of its invigorating powers, was then practically unknown. George Third was, as Fox tells us, "his own unadvised minister," and though he saw hidden away under the folds of his Privy Council the dim outlines of a Cabinet he at once effectually effaced it for the time being. But as an active organ of government a Cabinet does not appear to have been known by the Philadelphia Convention, which, however, knew well the Privy Council, some of the powers of which may, if adopted at all, be found modified in the advisory powers of the Senate. So not knowing, the Convention could not consider; and in the absence of consideration, no limitation upon such Cabinet activity can be inferred as a governmental policy.

But the Constitution at least permits and encourages a Cabinet as such, and necessity has evolved and usage has confirmed it; and while it may differ from similar agencies in other legislative governments, nevertheless, its adaptability to submit in the person of its members on the floor of the House of Congress bills and measures of the President, accompanied with appropriate explanation, and to respond to inquiries and interpellations respecting their several departments under congressional regulation, now seems indubitable. Indeed, of what purpose is the constitutional duty of the President to "recommend measures" unless they be accompanied or followed by appropriate exposition? Custom the world over forbids such exposition by the Executive in person; but custom the world over sanctions such exposition by a Cabinet minister. The conclusion seems inevitable from a proper construction of this

constitutional clause, together with the manifest necessities of government, that the performance of such delegated functions by a Cabinet minister is not only not a violation of the mandatory provision, but a plain consummation of the provision. I submit, therefore, that the constitution, as well as the customs and necessities of government, authorize a Cabinet and the exercise by its members of the functions suggested.

Notwithstanding the mandatory authority of the President to initiate legislation and the corollary right to explain such legislation upon the floors of Congress, it is thought by some that the exercise of such duties by members of his Cabinet, or their under secretaries, would be a usurpation of legislative powers. That is to say, that the performance of such functions by the President is not a usurpation, but that similar action by members of his Cabinet would be an unauthorized encroachment. In other words, that the extension of the President's power to the members of his Cabinet, while not in violation of any specific inhibition, but rather in conformity to an expressed provision of the Constitution, is, nevertheless, in violation of the political maxim of Montesquieu in relation to the separation of the powers of government. In brief, there is no violation of the Constitution itself, but rather a violation of a maxim of politics of equal dignity and authority with the Constitution. Such an argument leads us to two Constitutions, a written and an unwritten one, somewhat analogous to the English division of its Constitution into the "Law of the Constitution," and "Conventions of the Constitution," the former, according to Dicey, consisting of rules recognized and enforced by the Courts; the latter, of customs and maxims not so recognized, but constituting a code of political ethics, defining and limiting governmental action. While this constitutional duality can find no foothold in American jurisprudence, we must recognize it as a tradition of extraordinary influence upon American politics.

Nor does this maxim find any color of support in the Constitution unless it be in the division itself of government into three departments. But, says Story,

"The true meaning is that the whole power of these departments should not be exercised by the same hands which possess the whole powers of either of the other departments."

Montesquieu, we should remember, was writing upon such a division of powers in the British Government, and he should have known that they were not infrequently intermingled. Mr. Dicey suggests some confusion of mind on the part of the great publicist in dealing with this subject. Bagehot declares that

"the efficient secret of the English constitution may be described as the close union, the nearly complete fusion, of the executive and legislative powers."

Perhaps Montesquieu meant to connote the division of powers rather than to condemn their co-ordination, although some of his language is to the contrary. Or was Bagehot right in saying "language is the tradition of nations"?

Blackstone began his Commentaries in 1753, though they did not appear until 1765, and in this work he formulated the famous fiction of Montesquieu, first published in English in 1752. But Blackstone, despite the extraordinary impetus which he imparted to the development of this maxim, did not fail to declare that

"it is highly necessary for possessing the balance of the constitution, that the executive power should be a branch, though not the whole, of the legislature."

These Commentaries had immense influence upon the Philadelphia Convention, upon the authors of the Federalists, and upon all the statesmen of that day; and while they academically urged this super-constitutional dogma, they took good pains not to express it in the Constitution itself; but, on

the contrary, in several concrete instances the authors of the Constitution united or transposed those separate powers. For example: Congress alone has the power to declare war, an executive function pure and simple under the English Constitution. The House of Representatives has the sole power to make, and the Senate the sole power to try, impeachments—manifestly juridical powers. The duty to recommend measures or bills by the President, and his qualified right of veto virtually make him a third branch of the Legislature; and the joint appointment by him and the Senate of all judges, ambassadors and executive officers, is, necessarily, a commingling of executive and legislative powers. Moreover, although the juridical and executive officers are excluded from the membership of Congress, there is no exclusion of judges from the positions of President, Vice President, members of Cabinet, ambassadors and other executive offices. We should recall that Mr. Jay was Chief Justice and Secretary of the State at the same time. So was Ellsworth both Chief Justice and Minister to France; and Marshall, for a brief time, was both Chief Justice and Secretary of State under Adams. Thus in these and other instances, have we practically disregarded the arbitrary interpretation of Montesquieu.

But all too often has this political dogma influenced our Government; all too often has it occasioned Congress to interfere with powers and duties that should have been performed by the executive or the judiciary; and, all too often has it made abortive the most desirable and justifiable attempts at the co-ordination of legislative and executive departments. Of course, necessity, from time to time, inexorably imposes some form of co-ordination, but it is unfortunate for it to be effected in violation of even a fictitious code of political ethics sustained by historic tradition.

Burke declares,

“Nothing, indeed, will appear more certain, on any tolerable consideration of this matter, than that every sort of government

ought to have its administration correspondent to its legislature. If it should be otherwise, things must fall into a hideous disorder."

He was unquestionably picturing the demoralization that must ensue upon the application of the ideas of Montesquieu as understood by his enthusiastic disciples. And so believes Professor Ford, who, after commenting upon the extinction of this fiction from all countries except the United States, truly says that

"Everywhere else in the world the principle upon which constitutional government is founded is the connection of the powers and not the separation of the powers of the government."

And

"Montesquieu must die,"

prophesied Bentham long ago,

"he must die as his great countryman, Descartes, had died before him; he must wither as the blade withers when the corn is ripe; he must die, but let tears of gratitude and admiration bedew his grave."

In France the Constitution of 1791, which expressly denied the right of the Executive to propose laws, long since gave way to the contrary principle embodied in the Constitutions of 1799 and 1875, the latter directly conferring upon the President the initiative of laws. The South American Republics have, after relying long upon the separation theory, abandoned this fetich. Argentina, the most progressive, and perhaps the greatest, of our Southern neighbors, expressly provides for the connection of legislative and executive departments. Europe, with one voice, no longer regards it; and England having never adopted it in practice, has long since discarded it in theory. And it may be of interest to add that the Constitution of the Confederate States provided that

"Congress may, by law, grant to the principal officer in each of the Executive Departments a seat upon the floor of either House, with the privilege of discussing any measure appertaining to his department."

This provision was, all must concede, considered upon its merits, and as wholly unrelated to any question involved in the secession movement, and is cited as evidence of the dissatisfaction of a body of very eminent men, many of whom had been long and conspicuous in American public life, and all of whom were profound believers in the general administrative and legislative scheme of the American Constitution.

Thus not only has the separation dogma disappeared in theory and practice from all western governments save ours, but the connection or co-ordination of governmental powers and departments has become the recognized excellence and necessity of modern political institutions. Indeed, it now seems that free government largely finds itself in the relation between the executive and legislative departments. These are the dominant organs of government, and their co-ordination is essential to ordered liberty and expanding civilization. Honesty, economy, intelligence and efficiency follow such co-ordination as the line of least resistance. On the other hand, separation will sooner or later develop functional derangement and dissipation of energy, followed by languor, inefficiency and corruption.

Inexorable exigency imposes some form of co-operation between these two powers, and our inquiry is: How is it accomplished in America? Excepting formal messages to Congress, and occasional addresses throughout the country urging popular pressure upon Congress, the President and his Cabinet do nothing further save through secret or indirect efforts. And our great bulky Legislature is likewise operating in the main through secret Committees antagonistically watching executive action or pliantly awaiting executive favor. The Executive can perform no longer regard the separation of powers; he must fight for his measures in the domain of the Legislature, or see them quickly done to death. So the press teems with reports of personal interviews and social conferences by the President

with Committees or their leading members. In the meantime, the Committees through secret and complex processes, such as amendments, modifications, substitutions and non-action, confound the most intelligent electorate. These Committees also largely undertake administrative work, in supervising the details of departments by investigations and demands for reports, thus developing what is known as "congressional tyranny." In brief, the messages of the President, his interviews with legislators, the correspondence and reports of departments, and the investigations of Committees, are about all the forces of co-ordination, except patronage. This hiatus between executive and legislative powers is the demoralizing gap in our Government. Here dislocation is forced, motion lost, energy arrested, and friction engendered. Here the supreme task is to relax artificial rigidity and to reconcile the repulsion of natural affinities, or government will not go on. An executive Committee confronts a legislative Committee, each knowing the chasm must be bridged, but by ways and means hidden from popular view. Therefore writes the great Story

"that open and public responsibility for measures which properly belong to the Executive in all governments, and especially in a republican government, as its greatest strength and security, is completely done away. The Executive is compelled to resort to secret and unseen influences, to private interviews, and private arrangements, to accomplish its own appropriate purposes, instead of proposing and sustaining its own duties and measures by a bold and manly appeal to the nation in the face of its representatives."

So everywhere, in State, nation and city, the separation theory arrests, plagues and destroys. Already our municipalities are weary of its blighting necromancy, and on every hand we hear of the Galveston Commission Plan or the Grand Rapids Cabinet Plan. Artificial antagonism between powers, which must co-operate in order to move at all, is giving way, and we have only to follow the authority of the Constitution, and the experience of other

governments, to reach a place of safety. We must co-ordinate powers, locate responsibility, and demand strict accountability.

But the Cabinet method should be not only an instrument of co-ordination, it should be a great agency for the development of interest and education in politics. Burke thinks it is one of the duties of free governments to supply information to the people; and while our institutions have enlarged the sources of such supply beyond his mighty vision, as evidenced by the dissemination of multitudinous public records and documents, and by the great public free school system, yet the lack or absence of interest in politics is one of the most depressing and portentous facts of our day.

However erroneous are Montesquieu's reflections upon the separation of powers, he touched the very genius of democracy in observing that while the people may not be capable of knowing politics, that it is perhaps unessential they should, but, what is of far more importance, that they are capable of becoming *interested* in politics. Interest precedes information, and any device of government which will develop and concentrate popular interest in the workings of our political institutions should be grasped with unrelaxing avidity.

Do our institutions as now administered excite and hold this interest? Do the secret deliberations of a Cabinet or the secret multiform processes of unrelated Congressional Committees stimulate or hold such interest? The address of a member of Cabinet in some great center of population contributes in a measure. But who reads the speech of a member of the House or Senate, save a few of his immediate constituency? How much of such information does the press carry in its columns? On the other hand, it would seem almost self-evident that the outgivings of an able Cabinet member upon the floor of the House or Senate would at once arrest the attention of the entire Republic—

and would focus and fasten interest upon a particular subject matter throughout the length and breadth of the country.

The low moral tone of American politics appears in two forms: in the overactivity of the professional politician, and in the indifference of our supposedly moral citizenship; or, as generally understood, in the activity of the bad and in the neglect of the good. Not only must the moral forces be aroused to combat these sordid activities, but these forces must be arrayed against the mere detail of politics—office-getting and office-holding, and bring into consideration the policies and principles of government in a manner so practical and effective as to attract and hold the interest of the people. What agency will, to repeat, accomplish or contribute to this end so much as a strong personality from the Cabinet upon the floor of Congress, vitalizing his information with his experience, and speaking from the standpoint of the whole nation? His voice will not be the voice of a district or State, of an interest or a section, but the voice of the nation, for no smaller voice would long be tolerated. And thus the Cabinet will prove not only an educational factor of transcendent influence, but a great power for discovering, unifying and expressing the popular will.

Again, such functions will likewise add mightily to the education and statesmanship of the Cabinet members themselves. The increased responsibilities and enlarged opportunities will test and develop abilities and ambitions of this class of public officials in a way never before known in our country. Cabinet members will no longer be mere executives; they will become originators, formulators and expounders of policies as well. New and inspiring dignities will invite and sustain them, thus forming a training school for the Presidency, so sorely needed. For, "it would," says Story,

"compel the Executive to make appointments for the high departments of government, not from personal or party favorites, but from statesmen of high public character, talent, experience, and elevated services; from statesmen who had earned public favor, and could command public confidence. At present gross incapacity may be concealed under official forms, and ignorance silently escape by shifting the labors upon more intelligent subordinates in office."

Thus the standard of the Cabinet will be raised by introducing the element of responsibility, hitherto lacking. Publicity will follow to illuminate or dispel the mysteries of Cabinet policies. Representatives of the Executive will be brought face to face with the representatives of the Legislature in open, public discussion, thereby substituting direct for indirect co-operation and publicity for secrecy. The Cabinet will not be local or sectional, thereby tending powerfully to form and identify a public opinion, to interest the citizen in politics and to stimulate his patriotism. Bagehot rather sorrowfully remarks that our Cabinet "does not educate the nation" and "may corrupt it."

The chief objections to this reform seem to be two, for all others are deducible from or cognate to these two. The first is: that it will engraft upon our Government the British system; and the second is: that if the reform do not so transform our institutions then it is unsubstantial and negligible. The second objection I must leave within the scope of my imperfect argument upon the merits of this reform; and, of the first, I must discuss only the salient points.

The chief vice of this reform, to repeat, is that it will incorporate or impose upon our Government the British system, which is incompatible with ours. But it seems obvious that this is a man of straw in that such a participation of our Cabinet would little resemble that of England. Her Cabinet is a Committee of the House of Commons, chosen as its managers, and responsible as all agents are to

its master, and who, of course, must resign or be discharged whenever they incur the ill will or frustrate the wishes of their master. No argument which I have made contemplates that a member of the American Cabinet shall be a member of Congress; at most, our Cabinet members could only sustain a moral responsibility to Congress, growing out of the common relation of both bodies to the people. Resignations in our case would not follow at the pleasure or displeasure of Congress. Resignations of individual members, but not the entire Cabinet, might occasionally be induced in response to an overwhelming and sustained popular disapproval, which the President could not and should not disregard. And it is this assured independence of our system that gives it a very great, if not the chief, advantage over that of Great Britain. Our Cabinet could maintain a consistent and independent course in the face of opposition for a given time, thus allowing always for the second, sober thought of the people. The King has no responsibility for legislation; that of the President is very great; he recommends and vetoes legislation—and the inevitable accompanying right should be accorded him to explain these measures in the forum which passes upon them. As before suggested, what agency can do this but the members of his Cabinet? And to whom are they responsible, save to their creator—the President, and the people back of him? Congress cannot recall, because it does not appoint; the Commons can recall, because it does appoint; thus in each instance the master controls the respective agent. The benefit of Cabinet discussion would perhaps be the same in the House of Commons as in the Congress, the difference in form of government in nowise affecting this illuminating function.

It has been said that Cabinet participation in Congress would invite a distrust of its members, and subject them to undue criticism and cross-examination by each House. Hamilton and Gallatin often appeared upon the floor of

Congress, and incurred no such antagonism; they were received with deference and respect. But should a contest arise between the members of the two bodies the American people would always be on the side of the Cabinet officials so far as courteous and dignified treatment may be required. And should a Cabinet member fail to sustain himself or a particular departmental policy in an open, public contest, would not his self-imposed resignation happily determine the question? Is not this the better method of effecting his retirement than by Committees of investigation, involving technical procedure and dissatisfying delays? Would not a strong man welcome the former mode of trial? If he deserve confidence, it would come quickly, either through Congress or the people.

A great advantage of our system over England would be, that while her Cabinet members follow the House of Commons, ours, not being an agent of Congress, could with right and propriety oppose either House. The English Cabinet reflects the will of a majority of the Commons, our Cabinet would reflect the will of a majority of the American people. It will be suggested that a subsequent election might show a change of this will. I answer that time must decide which of the two popular expressions is the truer; and such a situation should await an election upon the precise issue which could in no event be longer than two years. Several of our Presidents have withstood popular condemnations, only to hear in a few years their names resounding with a lasting approval.

The stability of our Cabinet in such a conflict is, as before suggested, one of its chief merits. Our Cabinet may survive for a time the defeat of its party, but amidst the clamor and clash of partisan politics its voice is peculiarly needed at such a time to advance information and supply facts for the guidance of the newly elected majority of Congress.

But an objection of great interest to lawyers has been made by President Lowell. After conceding that this

reform "has a great tendency to interest and instruct the people;" that "it conduces to a thorough public discussion of proposed legislation;" that "it turns a flood of light upon every corner of the administration," he asserts that it will make the House of Representatives as powerful as the House of Commons, and this power will, in turn, impair, if not overthrow, our judiciary. In other words, he bases a fusion of the Executive, through its Cabinet, with the Legislature upon an analogy to the British system, and then concludes that no judiciary can withstand such a combination of powers. This contention involves two assumptions: one, the fusion of two branches of government, which the analogy will not support; the other, that such a soldering of executive and legislative power will attack and undermine our judicial power. To reach either of these conclusions, it is submitted, we must assume that the Constitution is flagrantly violated or already overthrown. His contention might have some analogy if our Legislature was itself sovereign, if its laws were in themselves the Constitution, as is the case in England; but it is difficult to discover such analogy when we consider that though there may be some such fusion of the Executive and the Legislature, still this combined power (and every statute of the nation has always been a product of this combined power) must be exercised in conformity to the Constitution, which could still be determined by the judiciary, for its right so to do would be unaffected by this assumed fusion. Out of these arbitrary conclusions the brilliant publicist further concludes that the judiciary will no longer declare statutes null and void because contrary to the Constitution. I repeat, that even if his premise of a fusion be assumed, that the inference therefrom of an overthrow or impairment of the judiciary is a *non sequitur*. Furthermore, that both the assumption and conclusion are arbitrary, unless we in turn assume a violation of the Constitution. Surely, the modest activity of the members of our Cabinet, as contended for in this address, could hardly work such havoc and destruc-

tion of our great Constitution, a Constitution born of the evolutionary forces of an old and liberty-loving civilization, formed and fashioned by the wisdom of chastened patriotism, strengthened by incomparable experience, and ennobled by immeasurable achievements. I have no fear that our judiciary will ever fail to interpret, construe, limit and preserve our institutions, or that its judgments will ever fail to dissolve in the fervent heat of construction any unconstitutional welding of governmental powers.

Democracy, says Sir Henry Maine, is the "most difficult kind of government." This is, perhaps, true, for though freedom be daring she is also cautious, and inclines so to hedge about government that its operation is often cumbersome and ineffective. Indeed, democracy seems to strive not so much for a form of government as for a state of society; and, hence, some, confounding the garment for the body, have thought democracy reactionary. Human experience affirms that when the level of popular intelligence is raised the social group at once aspires for a larger share in government. This is the sacred ambition of a people; this is the evolution of an ascending civilization, moving with relentless persistence, though often upon erratic lines. But such a political or social evolution differs from the physical in that the equation of the former is personal, the chief factor being leadership. Will our institutions justify the criticism that democracy is collective mediocrity? Or will America confirm the sublime definition of Mazzini, that "democracy is the progress of all through all under the leadership of the best and wisest"? Are we not entitled to such leadership? And what instrument of government other than the Cabinet participation will so surely secure such leadership?

Again, and in conclusion, such participation by the Cabinet tends to an "open door" in administration and legislation, flooding our whole political system with the light of publicity, thus allaying suspicion, evoking interest, and imparting confidence and stability.

1820



ROBERT RALSTON

THE DELAY IN THE EXECUTION OF MURDERERS

A Paper read before the Pennsylvania Bar Association,
June 28, 1911

By The HON. ROBERT RALSTON, of Philadelphia*

At the present day an impression more or less widespread appears to prevail, that the administration of the criminal law in this country is too slow; that there are seemingly endless delays at all stages of the proceedings. The subject has been discussed by many able and eminent men at the meetings of learned societies, and also in the public press. If the sentiments to be gathered from these sources truly reflect the wishes of the people, there is an earnest desire that the criminal law shall be promptly administered and the punishment for crime follow conviction without delay.

There are forty-six States in the United States, each having its own laws and its own method of procedure. Therefore any general and sweeping denunciation of the administration of the criminal law in this country is apt to be misleading. A criticism or even a condemnation of the methods employed and of the results achieved in a particular State may be just and proper when limited to that State, but unjust if applied generally to all the States. If reforms are required they must be brought about in the several States. A change which is needed in one place may be unnecessary in another.

The present paper will be confined to a consideration of the conditions existing in Pennsylvania, in cases of murder of the first degree, which are the only ones in this State involving the life of the prisoner. It is toward them that criticism is principally directed, and it is in them that reforms are demanded.

*The tables prepared by Judge Ralston and referred to in this paper are not in this volume, but accompany it, in a separate cover. It was found impracticable to bind them in the volume.

In order that there may be a foundation upon which to base conclusions, and data from which deductions may be drawn, the dates of the important stages in a number of cases have been arranged, in such a way as to indicate what delays ordinarily occur and who is responsible for them. As the tables contain cases tried in fifty-one of the fifty-six judicial districts of the State, during the course of many years, they may fairly be said to illustrate the usual and ordinary course of procedure in this Commonwealth.

The delay between the commission of the crime and the beginning of the trial may be caused by such a variety of circumstances that no conclusions can be drawn from dates alone. The crime may not have been discovered until long after it was committed. The prisoner's connection with it may not have been learned, nor the evidence against him procured, until months or years later. It may have been impossible to apprehend him quickly, by reason of his having fled the country or successfully concealed himself. This branch of the subject is a matter which concerns the police.

The indictment is usually presented soon after the arrest of the prisoner, or even before if he is a fugitive from justice; but it may be delayed while evidence is being collected or for other reasons.

The delays between arrest and trial are also due to many causes. The prisoner may be unable to appear; he may have injured himself in an attempt to commit suicide—not an unusual occurrence—or he may have been wounded while being captured. Witnesses may be ill or absent; counsel may be unable to try; the community may be aroused to such a state of excitement that it is advisable to postpone the trial. A great deal, of course, depends upon the District Attorney. If he is energetic and prompt in the performance of his duties, much unnecessary delay may be avoided. There are so many causes, however, which

may delay the beginning of the trial, that without full knowledge of all the circumstances of the case it is impossible to determine whether or not the delay was unavoidable. Therefore, although the date of the crime and of the indictment are given in the tables when practicable, no deductions are drawn therefrom.

If the column on the extreme right of the tables, in which is stated the total time from the beginning of the trial to the final execution or commutation of the sentence, be examined, it will be noticed that commonly many months and sometimes several years elapse before the final disposition of a case. An analysis of the dates in the other columns will show where the delays occur.

An inspection of the column to the left in the summary, entitled "Length of Trial," will disclose that but a small part of the total time is taken up by the trial itself. The longest trial lasted twenty days; others nineteen, seventeen, fourteen, twelve, and so forth. From these figures Sundays must be deducted. These cases are exceptional. In the majority of instances the trial lasted two, three, or four days. Bearing in mind that the time includes the selection of the jury and that in some trials there were a great number of witnesses and a large volume of testimony, the time taken does not of itself indicate that any radical change in procedure is necessary.

The length of a trial depends not only upon the number of witnesses to be examined, and the length of their testimony, but also very largely upon the personal characteristics of the Judge and counsel. So long as parties are restricted to the issue and the trial is conducted in a dignified and proper manner, one or two days, more or less, make very little difference in the promptness of the administration of justice.

In some of the States the power of the Judge has been curtailed. He is forbidden by statute to sum up the evidence. As the President expressed it in an address re-

for retaining them in practice. If the charge of the Court is correct and adequate, the prisoner has no cause to complain; if it is not, the verdict should be set aside.

Passing to the next column of the summary, entitled "Verdict to Sentence," a great delay is at once apparent. While in some cases sentence was pronounced within a few days or weeks, in most of them it was deferred for many months—in one recent case for two years and five months (No. 347, page 13). Case No. 314 (page 13) is of course peculiar, in that the prisoner escaped after verdict and was not recaptured until five years later.

This delay is caused by motions for new trials, which are almost invariably made. In Philadelphia these motions are heard by three Judges, who ordinarily sit in different Courts. They separate immediately after the argument, and owing to the multiplicity of other duties which they have to perform, it is difficult to get them together for consultation. The delay is not confined to Philadelphia, but occurs also in a great many other districts. It is unnecessary and can be and should be done away with. This end may be accomplished in one of two ways. The first is personal and consists simply in the Judges making up their minds that these motions shall be promptly decided. If they would take them under consideration immediately after the argument and lay aside other business until they have disposed of them there are not many cases which could not be considered and determined within a few days. This is probably the best solution of the matter. It is easy of accomplishment or it is impossible. No legislation requiring a decision within a specified time would be effective even if it were constitutional. The remedy is within the power of the Judges themselves. If the community demands prompt action, the constant and forcible expression of its sentiments ought to impress upon the Bench the evils resulting from procrastination, and induce it to bring about the needed reform.

The second way is to modify the practice of moving for new trials or abolish it altogether. The great objection to the latter method is that these motions afford the only means by which a verdict of a jury which is against the weight of the evidence can be set aside. If they were abolished it would be necessary to confer upon the Supreme Court the power now exercised by the lower Court. By the English Criminal Appeal Act (1907) the Court of Criminal Appeal is given power to take the evidence of witnesses and to examine into questions of fact; they may dismiss the appeal if they consider that no substantial miscarriage of justice has actually occurred, notwithstanding that the point raised in the appeal might be decided in favor of the appellant. If this power were vested in the Supreme Court it might result in that tribunal having more business than it could dispose of, and even greater delay than at present might result. The lower Courts have better facilities for hearing new testimony. They might adopt the old practice of requiring a motion for a rule for a new trial, to be allowed by the Trial Judge, who could refuse it if he were of opinion that the evidence so clearly proved guilt that argument of the question would be useless.

On the whole, however, the most satisfactory way to insure despatch is probably that first suggested, namely, that the Judges should resolve to dispose of these motions immediately. If they will do this the delay can be avoided: if they will not do it, some other remedy must be sought. Should the power of granting new trials be taken away from the Trial Court, as in England, it might be well to adopt the provisions of the statute, 25 Geo. II, c. 37, which enacts that "sentence shall be pronounced in open court immediately after the conviction of murderers, and before the court shall proceed to any other business, unless the court shall see reasonable cause for postponing the same."

The time between the sentence and the argument of the case in the Supreme Court is shown in the column of the

summary under the appropriate title. It will be seen that while cases are sometimes heard within a few weeks, more often it is several months before the argument takes place.

The Supreme Court has always had power to review criminal cases upon writs of error. By this means only such mistakes as appeared upon the record could be corrected. The record is made up from the minute book of the clerk of the Court, in which the various steps of the proceedings are noted. It contains the names of the jurors called, the challenges, the hour and minute of the day when the Court adjourned or took a recess, when counsel opened and closed, when the Court charged the jury, when the jury retired and returned, and much besides. It does not, however, contain either the charge of the Court or the evidence. In *Sir Henry Vane's Case* (6 St. Tr. 119) it was held that a bill of exceptions could not be sealed in a criminal case, the Judges saying that they had never heard of such a practice. The occasions, therefore, in which there were errors in the record must have been comparatively rare. A few of the reported instances are where the record showed that the jury had been allowed to separate, where it failed to show that the prisoner was present at all stages of the trial, or was not asked if he had anything to say why sentence of death should not be pronounced upon him. It is necessary to ask this in order that the prisoner may have an opportunity to plead in bar of the sentence a pardon, insanity or other matter sufficient to prevent its execution. The Supreme Court had no power to review the decision of the Trial Court in admitting or rejecting evidence or in giving instructions to the jury. Its jurisdiction was extended by the Act of November 6, 1856 (P. L. for 1857, 795), which gave to persons on trial for murder or voluntary manslaughter a right "to except to any decision of the Court upon any point of evidence or law," the same to be noted and filed of record as in civil cases. In construing this Act, STRONG, J., said: "Our duty is confined to adjudication upon the errors of law

which appear upon the record. Outside of that we cannot look. We are not authorized to grant new trials unless the record exhibits that mistakes of law were committed. In no other case have we power to interfere with the verdict of a jury. We could not even if we were satisfied that they had found the facts erroneously": (*Cathcart vs. Com.*, 37 Pa. 108). It was necessary for a person applying for a writ of error to have it allowed by the Supreme Court or one of the justices thereof. It was usual to allow them in homicide cases if the Court or a justice entertained any doubt about any important ruling at the trial, but otherwise to refuse them.

A great change was introduced by the Act of February 15, 1870 (P. L. 15). In the first place in cases of murder and voluntary manslaughter a writ of error was made of right. This provision was subsequently incorporated in the Constitution of 1874. (Art. V., Sec. 24.) The Legislature may, however, limit the time for taking the writ. The Act of March 24, 1877 (P. L. 40), providing that writs of error in capital cases must be sued out within twenty days from sentence was held to be constitutional in *Sayres vs. Commonwealth* (88 Pa. 291). The Act of 1870 further provided that "in all cases of murder in the first degree * * * it shall be the duty of the judges of the Supreme Court to review both the law and the evidence and to determine whether the ingredients necessary to constitute murder in the first degree shall have been proved to exist, and if not so proved, then to reverse the judgment and send the same back for a new trial or to enter such judgment as the laws of the Commonwealth require." By the Act of May 19, 1874 (P. L. 219), exceptions may be taken and a bill sealed as in civil cases.

These acts greatly enlarged the jurisdiction of the Supreme Court, but, as stated before, the Trial Court still remains the only tribunal which can set aside a verdict on the ground that it is against the weight of the evidence. In

McGinnis vs. Commonwealth (102 Pa. at p. 71) Chief Justice MERCUR said:

"In cases of conviction of murder of the first degree brought before us, we are required to review the law as declared by the court below, and the evidence, so far as to determine whether the ingredients necessary to constitute murder in the first degree shall have been proved to exist. We are not, however, to assume all the functions of jurors and pass upon the credibility of witnesses, nor on the apparent weight of the evidence. We are to ascertain whether facts were testified to which if believed by the jury prove the necessary ingredients to constitute the crime of which the prisoner is convicted."

The Act of April 22, 1903 (P. L. 245), was passed to cover cases where evidence is discovered after the jurisdiction of the Trial Court has ended. By its terms, whenever a petition supported by after discovered evidence, makes it appear to the Supreme Court that there is substantial doubt of the guilt of a prisoner convicted of murder of the first degree, that Court may authorize the Trial Court to grant a rule for a new trial in its discretion, and if it be of opinion that a new trial should be granted, the Supreme Court after hearing may make the rule absolute. Both Courts, therefore, must concur. No instance of a new trial being granted under the provisions of this act has been found, although applications have been made and refused, as in *Gleason's Petitions* (205 Pa. 630 and 208 *id.* 126).

The methods of taking appeals are prescribed by the Act of May 19, 1897 (P. L. 67). They are not allowed unless taken within six months from sentence, and in order to act as a *supersedeas*, must be taken within three weeks. This provision applies as well to capital cases as to others. (*Com. vs. Hill*, 185 Pa. 385.)

The acts which have been mentioned give the Supreme Court ample jurisdiction to review cases of murder of the first degree, but the practice in taking appeals in such

cases might be made more simple and expeditious. At present it is as follows: The appellant enters in the Supreme Court, on a form prepared for the purpose, an appeal from the sentence of the Court of Oyer and Terminer, accompanied by the affidavit of himself or his counsel, that it is not taken for the purpose of delay, but because he believes he has suffered injustice. He also files a *præcipe* for a *certiorari*, which issues from the Supreme Court and commands the Court below to bring up the indictment and all proceedings thereon. Counsel must prepare a bill of exceptions and have it sealed by the Judge who tried the case. All this takes time and gives counsel more or less trouble, especially when they are at a distance from the office of the Supreme Court.

A draft of an Act of Assembly is appended as a suggestion for simplifying appeals in capital cases, and also some modifications of the Supreme Court rules which might be appropriate if such an act were adopted—the present rules, eight, nine and ten, being combined in two rules, eight and nine.

The following observations may be made upon this draft:

1. It is proposed to abolish the oath that the appeal is not taken for the purpose of delay. It is probable that a person under sentence of death would commit perjury if he knew that he might thereby prolong his life for a few weeks. Upon this subject the Commissioners who drew the Criminal Procedure Act of 1860 said:

“The Commissioners believe that the oath demanded will stop few, if any, persons convicted of murder or voluntary manslaughter from suing out a writ of error to obtain a reversal of their condemnation. They think that such a temptation to perjury should not be placed in the way of a party so situated. Experience shows that even in civil proceedings such oaths have but little influence in preventing litigation. How much less they must have in a criminal proceeding where the matter in issue is life or liberty.” (Report on Crim. Pro. Code. 52, 53.)

2. As appeals in these cases are matters of right, there seems to be no good reason why the Supreme Court should command the Court below to send up the record, at least not until that Court has neglected or refused to do so. It is therefore proposed to begin the proceedings in the Court below by simply filing a notice that an appeal is taken. A form for the purpose is provided, printed copies of which could be furnished by the clerks of the Courts in the districts from which appeals are numerous.

3. It is proposed to abolish formal bills of exceptions. They are no longer necessary since all exceptions are noted upon the record. The time and labor required to prepare and perfect them will thus be saved. The exceptions relied upon can be brought to the attention of the Supreme Court as at present, by the assignments of error.

4. It is proposed to limit the time within which appeals may be taken to ten days. In capital cases the execution of the sentence should always be stayed by an appeal. Under the Act of 1897 an appeal may be taken at any time within six months. The provision that it shall not act as a *supersedeas*, unless taken within three weeks, is rendered nugatory by the fact that the Governor will invariably grant a respite until the Supreme Court has handed down its decision.

The following cases may be cited by way of illustration. On page 5, No. 121, Goodwin, sentenced October 12, 1897; death warrant issued January 31, 1898, fixing March 31, 1898, for execution; respited to May 11, 1898; appealed April 11, 1898, one day less than six months after sentence; again respited until June 9, 1898.

On page 6, No. 138, Birriolo, sentenced December 15, 1899; death warrant issued February 13, 1900, fixing April 24, 1900, for execution; respited until May 23, 1900; again to July 12, 1900; appealed June 6, 1900, and respited again until after decision.

On page 9, No. 211, Dardaia, sentenced March 4, 1904; death warrant issued June 17, 1904, fixing August 25, 1904, for execution; appealed August 20, 1904, a few days before time for execution and was respited again.

On page 10, No. 238, Combs, sentenced December 1, 1905; death warrant issued February 14, 1906, fixing April 24, 1906, for execution; appealed April 18, 1906, and warrant was recalled.

On same page, No. 242, Renzo, sentenced January 20, 1906; death warrant issued May 29, 1906, fixing July 26, 1906, for execution; appealed June 23, 1906, and warrant was recalled.

On page 12, No. 287, Garrito, sentenced May 11, 1908, death warrant issued July 28, 1908, fixing September 15, 1908, for execution; appealed September 5, 1908, and respited until October 29, 1908.

On page 13, No. 323, Ballon, sentenced February 21, 1910; death warrant issued May 18, 1910, fixing June 23, 1910, for execution appealed June 22, 1910, and was respited.

In No. 119, page 5, a curious situation arose. The prisoner was sentenced on July 31, 1897. A death warrant issued September 30, 1897, fixing December 8, 1897, as the time for execution. On the morning of that day counsel entered an appeal at Pittsburgh, and the Sheriff of Allegheny County, on his own responsibility, postponed the execution. The Supreme Court, in an opinion delivered April 11, 1898, held that the appeal was not a *supersedeas* and that any undue delay on the part of the Sheriff in executing the warrant would subject him to the very serious consequences of an escape.

The dates when the appeals were taken are not given in the tables, but have been taken from the records and inserted in these instances. From these cases it may be seen that an appeal is sometimes delayed until the day before the day fixed for execution and a respite then obtained; in

others where execution has been fixed for an early day a respite is first obtained and an appeal taken shortly before its expiration, necessitating another respite. They also show that the oath required is ineffective.

The draft Act would make such juggling impossible. Appeals would have to be taken within ten days or not at all. As they could be perfected without any labor whatever in a few minutes, ten days would afford counsel ample time to make up their minds whether to take the case to the Supreme Court or not.

5. The clerk of the Court is given ten days after the notice of appeal to prepare the record for the Supreme Court. This time might be made shorter—say three days. The clerk is required by the Act of 1860 to forward to the Governor within ten days after sentence a copy of the record, which, of course, does not include the charge nor the evidence. He could, without additional labor, make two copies, one of which could be attached to the testimony and charge and forwarded to the Supreme Court.

The rules suggested furnish directions to guide counsel in the preparation of their paper-books. The important dates in the proceedings are required to be stated: but it is proposed to omit the balance of the record, unless some question in regard to it is raised.

The column entitled "Argument to Decision" shows that the Supreme Court usually decides the cases fairly promptly. In considering the time between sentence and argument and argument and final decision, the dates should be examined, as sometimes the delay is caused by the summer vacation. There are a number of instances where the decisions have not been handed down for months. If the Justices of the Supreme Court resolve to dispose of these appeals at once, and consider them continuously until they have come to a conclusion, they can probably be decided more speedily. It must be remembered, however, that in many cases there

is a huge volume of testimony to be read, numerous questions of law to be reviewed, consultations to be held and an opinion to be written, so that some time is necessarily required. It might be a good idea for the Justices to read the testimony and charge of the Court before argument.

If the delays in deciding motions for new trials were eliminated, appeals to the Supreme Court expedited and decisions thereon rendered promptly, the total time consumed in the Courts would not be great. Some modifications in procedure have been suggested which might shorten the proceedings without detriment to the interests of either the prisoner or the community. A great saving in time can, however, be accomplished without making any changes whatever.

When a case is reversed by the Supreme Court it must, as a rule, be tried again; hence there are more delays of the same character as in the first trial. There is also sometimes a second appeal. The tables show that, all things considered, reversals are comparatively rare, which is creditable to the Trial Judges. When the judgment is affirmed the case is ended so far as the Courts are concerned. Nothing remains to be done but to execute the sentence. The prisoner has been found guilty by a jury instructed to resolve all reasonable doubts in his favor; the Trial Judge, often with one or more of his colleagues, has examined the testimony and decided that the verdict is in accordance with its weight; the Supreme Court, with painstaking care, has not only reviewed the charge and rulings of the Trial Judge, but also the evidence and has reached the conclusion that all the elements of murder of the first degree have been proved to exist and that the prisoner has had a fair and impartial trial. It seems reasonable to assume that the prisoner's guilt has been established and that the execution of the sentence ought to follow within a short time.

Such, however, is not the case. An inspection of the column entitled "Final Decision to Execution or Commuta-

tion" will show that many months pass away before the prisoner learns his fate.

In Pennsylvania in early days the executive power was exercised by the president and council, and the issuing of death warrants seems always to have been regarded as a function of the executive. It was the practice of the council to consider the record of conviction and to direct a warrant or a pardon to issue. These orders in which the date of execution was fixed were endorsed upon the back of the record, thus "Read in council and it was ordered that a warrant under the less seal of the State signed by the president and attested by the secretary be accordingly issued." (Minutes of Supreme Executive Council, May 17, 1779, XI Col. Rec. 779.) In the office of the Secretary of the Commonwealth there are records of conviction of treason, murder, arson, rape, robbery, burglary, piracy, and other crimes, upon each of which there is a similar endorsement. Other records are endorsed: "Read in council and it was ordered that a pardon issue." By the Constitution of 1790 the supreme executive power was vested in a Governor, and from that day to this all death warrants have been issued by the Governors. The warrant recites the dates of conviction and sentence, sets out the sentence of the Court in full and directs the sheriff to execute it between the hours of ten and three upon a day named. There is no provision in any of the Constitutions which confers this power upon the Governor, but as it has always been exercised by him, and by the president and council before him, it must be regarded as a prerogative of the Executive, and therefore beyond the power of the Legislature to regulate or control. This is the view of Chief Justice MITCHELL as expressed in his very learned and interesting opinion in *Commonwealth vs. Hill* (185 Pa. 385).

In England in ancient times, according to Lord Hale, there was a warrant under the hand and seal of the Judge who pronounced sentence of death, but in his day the prac-

tice had long been obsolete. The sentence was pronounced in open Court; the sheriff received a copy of the calendar signed by the judge, which contained the several judgments written in the margin; in capital cases the note was "*sus. per col.*", an abbreviation signifying "*suspendatur per collem quousque fuerit mortuus.*" The Statute, 25 George II, c. 37 (1752), provides that all persons who shall be found guilty of wilful murder shall be executed on the day next but one after sentence passed, unless the same shall happen to be Sunday, and in that case on the Monday following. The sentence must be pronounced immediately upon conviction and must express the time for execution, as provided by the statute. By the Statute 31 Vict. c. 24, § 7 (1868), it is provided that one of Her Majesty's principal secretaries of state shall from time to time make such rules and regulations to be observed on the execution of judgment of death, as he may deem expedient. The regulation now in force was issued by the Home Office on June 5, 1902. It directs that execution shall take place in the week following the third Sunday after the day on which sentence is passed, on any week day but Monday, and at 8 a. m. (Statutory Rules and Orders for 1902, No. 444, p. 433.)

In this country there is great diversity in the laws of the several States. In some a warrant fixing the time for execution is issued by the Governor, in others by the Court; in others still, a certified copy of the judgment is all that is required. In some the time for execution is left to the discretion of the Governor or the Court; in others it is provided by statute that it shall take place not less than so many days nor more than so many days after sentence, the time varying greatly in different States. For convenience of reference a memorandum of the laws upon this subject in all the States and Territories has been added in an appendix.

In Pennsylvania the time when executions shall take place is a matter entirely within the discretion of the Gover-

nor. There does not seem to be any fixed custom in regard to it. The column entitled, "Final Decision to Warrant Issued" shows that in some instances a warrant issues very promptly and in others is long delayed. The times for execution also vary considerably. It might be desirable for the Governor to consider the expediency of promulgating an executive order upon this subject, somewhat after the manner of the Home Office in England. In this way uniformity of practice might be established. If rules were made and adhered to, delays in taking appeals and making applications to the Board of Pardons would probably cease. It is not unusual for applicants to wait until a few days before the time designated for execution. The Governor is then prevailed upon to grant a respite until an application can be filed and the Board has had an opportunity to act upon it. For example, on page 11, No. 261, the warrant issued July 17, 1907, fixing September 5, 1907, for execution; a respite until October 24, 1907, was obtained and the application filed October 7, 1907. On page 12, No. 286, the warrant issued July 28, 1908, fixing September 29, 1908, for execution; a respite until October 29, 1908, was procured and an application to the Board made on October 10, 1908. On page 12, No. 296, the warrant issued March 8, 1909, fixing April 13, 1909, for execution; a respite until June 29, 1909, and application May 10, 1909. On page 13, Nos. 304 and 306, the warrant issued June 23, 1909, fixing August 10, 1909, a respite until September 28, 1909, and application filed September 1, 1909. On page 14, No. 339, the warrant issued May 22, 1911, fixing June 22, 1911, for execution. The May meeting of the Board was held on May 15th; an application was filed May 26th; as the next regular meeting of the Board was on June 21st, the day before the time fixed for execution, the prisoner was respited until July 18, 1911.

Many other instances may be found in the tables. In the majority of cases there is no good reason why an appli-

cation should not be made immediately upon the determination of the case in the Courts. If a day for execution were fixed sufficiently far in advance for an application to be made and for the Board to consider and determine it, and if it were known and understood by the prisoner, his friends and his counsel, that the date would not be changed, it is probable that much delay would be avoided, the execution of the laws would be more certain and no injustice would be done. It does not seem unreasonable to require a person seeking executive clemency to ask for it before the day fixed for execution is at hand.

The power to pardon has always been one of the prerogatives of the Crown. It is at present exercised in England by the Secretary of State for Home Affairs. By the charter of 1681, from Charles II, William Penn was given power to pardon all crimes and offences with the exception of treason and wilful and malicious murder and in these cases to grant reprieves until the pleasure of the Crown might be known. By the Constitution of 1777, the power, except in cases of impeachment, was vested in the president and council, and by the Constitutions of 1790 and 1838 in the Governor.

In the Convention which formed the present Constitution the subject of the pardoning power was carefully considered. In the course of debate Mr. Gowen said:

"We cannot help admitting that the stream of mercy has flowed in such copious volume during the last two or three years that if the public can reach the question they will be very apt to take the pardoning power out of the hands of the executive altogether." (Debates, Vol. II, 361.)

Mr. Armstrong said:

"That the pardoning power has been greatly abused in this State, there can be no question. * * * That there has arisen in the public mind an idea that it is a dangerous power, is, I think, too clear for argument. It pervades the entire public mind on this subject." (*id.* 382.)

The result of the Convention's deliberations is expressed in the present Article IV, Section 9, which gives the Governor power to grant reprieves, commutations of sentence and pardons, except in cases of impeachment, but no pardon shall be granted nor sentence commuted except upon recommendation in writing of the Lieutenant Governor, Secretary of the Commonwealth, Attorney General, and Secretary of the Interior, or any three of them after a full hearing upon due public notice and in open session, and such recommendation, with the reasons therefor, at length, shall be recorded and filed in the office of the Secretary of the Commonwealth. This is the origin and foundation of the Board of Pardons, a name which does not occur in the Constitution, but has grown up from popular usage.

The Board meets on the third Wednesday of each month. Its rules provide that petitions must be filed and notice of the application published at least two weeks before the hearing.

That great delays occur in the Board of Pardons becomes apparent upon glancing over the columns under that heading. As has been said, applications are often made after the death warrant has been issued, sometimes not until the day of execution is at hand. But apart from these delays the Board frequently does not act finally upon a case until a long time after the original petition has been presented. For example, on page 10, No. 242, the application was filed on July 9, 1906, finally refused on July 17, 1907, and the prisoner was executed on August 27, 1907. On page 12, No. 285, the application was filed on May 9, 1908, finally refused on October 20, 1909, and the prisoner executed November 18, 1909. On page 13, No. 310, application filed January 11, 1909, finally refused January 19, 1910, and the prisoner executed January 27, 1910. On page 7, No. 175, the application was filed February 9, 1903. Petitions for a new trial were finally refused by the Supreme Court on February 1, 1904; the application

to the Board was refused on December 21, 1904, and a rehearing granted on February 15, 1905, which has never been disposed of. On page 8, No. 197, the application was filed December 5, 1903, and commutation recommended March 16, 1904. The Governor, however, would not commute the sentence and referred the case back to the Board, which finally refused the application on February 15, 1905, and the prisoner was executed on March 23, 1905. On page 9, No. 220, the application was filed May 10, 1902, finally refused on June 28, 1905, and no death warrant has since been issued. The Board generally acts more promptly, but several months frequently go by before final decision. In cases where there has been great delay applications for rehearings have been numerous—sometimes being granted and at others refused. The above are but a few examples of delays; others less striking may readily be found in the tables.

That the gentlemen composing the Board have always been actuated by the highest motives of humanity and have earnestly and conscientiously endeavored to perform their duties as they have understood them, is not to be questioned. The cause for the delay is not inattention and neglect on the part of the Board, but rather on the contrary, the great labor and responsibility which its interpretation of its functions imposes upon it.

While the right to commute or pardon is absolute, it should not be exercised too freely, but only in exceptional cases and not to such an extent as to supersede the regular and ordinary execution of the laws.

In the debates in the Convention Mr. George W. Biddle said: "There can be only two valid reasons for a pardon. * * * One is where innocence is discovered after conviction. * * * The other is where there are extenuating circumstances. These circumstances may arise sometimes from the age, sometimes from the sex and sometimes from the associations and surroundings of the criminal."

The records show that among the reasons for recommending commutations of sentence are mercy, humanity, insanity, mental weakness, and reasonable doubt of guilt. The Board considers the evidence taken at the trial, supplemented by affidavits and depositions submitted by the applicant. The latter species of testimony is very unreliable and should be scrutinized with care. Continuances are allowed to enable additional evidence to be secured, and frequently after the Board has refused the application a rehearing is granted and sometimes several of them. The Board conscientiously goes over the whole case and determines whether or not there is a reasonable doubt of the applicant's guilt. Thus an immense amount of time is consumed and the members of the Board are burdened with a responsibility which does not rightfully belong to them. It was never intended by the people when they adopted the Constitution, that the Board should exercise the functions of a jury, nor that the law should be interpreted by an appellate tribunal higher than and superior to the Supreme Court. Every person who applies to the Board has been found guilty by a jury who have given him the benefit of every reasonable doubt. The care with which his interests are safeguarded by the Courts has been alluded to and need not be repeated. He should therefore be presumed to be guilty according to the law of the land. If he seeks a pardon on the ground that he is not guilty he should establish his innocence beyond a reasonable doubt. Cases have occurred where innocent men have been convicted, but they are exceedingly rare. When discovered a full pardon, and not commutation to life imprisonment, should be awarded. When commutation is sought the applicant should come as a guilty man appealing for mercy. Otherwise there can be neither celerity nor certainty in the execution of the law. The advantages to the community of swift and certain punishment are lost, and the unfortunate prisoner is kept in doubt as to his ultimate fate. At last when the crime has been

almost forgotten, when the prisoner, by many respites has been led to hope that he may escape the gallows, a warrant arrives, and if he has not gone insane in the meantime he is executed.

The author of a recent work on "Executive Clemency" would apparently have the Board of Pardons interpret the law so that it may be in harmony with his notions of "natural equity" or "public sentiment." "It cannot," says he, "be said that the sentiment expressed by the Act of 1794, fixing the grades of homicide, has remained unchanged. On the contrary * * * there has developed a very general belief that a new classification should be established so that there may be a punishment dependent upon an intermediate grade between the first and second degree. This has arisen from a popular disapproval of the legal definition of premeditation * * * The courts soon began refining its terms and within a few years had settled the doctrine that if the evidence disclose 'time to deliberate for a minute, as well as an hour or a day it is sufficient' to constitute murder of the first degree." He adds that the fact that juries often render verdicts of second degree where the facts would have justified first degree "is fairly significant of public sentiment and material to the depositary of clemency." (Smithers on Executive Clemency, 124 *seq.*)

It must be borne in mind that the Act of 1794 divided murder into two degrees, and abolished capital punishment in all cases except murder of the first degree. The first person convicted of that grade of crime appears to have been one, Cyriacus Spangenberg, who was tried, convicted and sentenced in Bedford, on April 27, 1795, and executed on October 10, of that year. The first reported case is that of Mulatto Bob, who was tried at Easton, on June 22, 1795, and executed on October 25 following. It must have been in this case that the Courts began "refining" the terms of the Act, so it may not be out of place to consider it. The

evidence showed that the prisoner had had a fist fight with some other negroes. When the affray was over he went to a neighboring wood-pile and furnished himself with a club. After a while he again repaired to the wood-pile, took up an axe, made threats as to what he would do and mixed again among the people. There was a struggle over the axe; the prisoner struck the deceased with it on the head and, while he was attempting to rise, gave him a second blow on the head with the sharp edge, which penetrated to the brain. Death resulted in a few days. In charging the jury, Chief Justice MCKEAN said:

"It has been objected that the amendment of our penal code renders *premeditation* an indispensable ingredient to constitute murder of the first degree. But still, it must be allowed, that the intention remains as much as ever the true criterion of crimes, in law, as well as in ethics; and the intention of the party can only be collected from his words and actions. In the present case the prisoner declared that he would split the skull of any fellows who would be saucy; and he actually killed the deceased in the way which he had menaced. But let it be supposed that a man without uttering a word should strike another on the head with an axe, it must on every principle by which we can judge of human actions be deemed a premeditated violence.

"The construction which is now given to the act of assembly on this point, must decide, whether the law shall have a beneficial or pernicious operation. Before the act was passed the prisoner's offence would clearly have amounted to murder; all the circumstances implying that malice which is the gist of the definition of the crime at common law; and if he escapes with impunity, under an interpretation of the act, different from the one which we have delivered, a case can hardly occur to warrant a conviction for murder in the first degree.

"Tenderness and mercy are amiable qualities of the mind; but if they are exercised and indulged, beyond the control of reason, and the limits of justice, for the sake of individuals, the peace, order and happiness of society, will inevitably be impaired and endangered." (4 Dallas 145.)

This has been the construction of the act from that day to this. In the meantime two Constitutional Conven-

tions have been held and two Constitutions adopted; a commission revised the Criminal Code in 1860 and its recommendations were adopted; the Legislature has regularly been in session at the appointed times, yet no change in the law has been made. No doubt there is disapproval of it by those good people who are opposed to capital punishment. If they desire to have it modified so as to conform to their opinions they should address themselves to the Legislature. The Executive is sworn to execute the law, not to change it indirectly by the exercise of the pardoning power. Mercy, the dictates of humanity, the old age, youth or sex of the prisoner—in short any circumstances which can be urged in mitigation of punishment, may properly be considered by the Board of Pardons; but the verdict of a jury and the sentence of the Court pronounced thereon ought to be regarded as establishing the guilt of the prisoner conclusively and forever, except only in those rare cases where innocence is made to appear, and then a full pardon is little enough reparation of the wrong which has been done.

In the Crippen case, inserted on the last page, the trial lasted four days; an appeal was taken and decided and the prisoner was executed a month after sentence. It will, therefore, be seen that the speed of English justice is due not so much to the shortness of the trial, as to the circumstances that sentence is pronounced upon the rendition of the verdict, appeals are heard and decided by the Court of Criminal Appeal without delay, and the sentence is executed at a time fixed by a standing order of the Home Office.

In conclusion it may be said that, while some improvement of existing conditions might be effected by legislation, the delays which now occur at all stages of the proceedings can be avoided in one way only, and that is by the prompt and vigorous action of those whose duty it is to

administer and execute the law. They have it in their power to make the punishment for murder speedy and certain. Without their co-operation little or nothing can be accomplished.

- APPENDIX "A"

SUGGESTIONS FOR AN ACT

REGULATING APPEALS IN CASES WHERE PERSONS HAVE BEEN SENTENCED TO DEATH, FIXING THE TIME WITHIN WHICH SUCH APPEALS SHALL BE TAKEN, AND PRESCRIBING THE PRACTICE IN RELATION THERETO.

SECTION 1. Be it enacted, &c., That when a person who has been convicted of murder of the first degree and sentenced to death desires to appeal to the Supreme Court he shall give notice of his appeal, as hereinafter provided, within ten days from the day upon which the sentence was pronounced, which day shall be counted as the first.

SEC. 2. Such notice shall contain the title, term and number of the case, the date when it is given and the date of the sentence, and shall be in the following form with the blank spaces properly filled in; and shall be signed by the person so appealing or his counsel.

NOTICE OF APPEAL

COMMONWEALTH	vs.	{ COURT OF OYER AND TERMINER OF COUNTY, ... SESSIONS, 19 No.
.....		

AND NOW, This day of 19, the defendant, who was sentenced to death in the said Court upon the day of 19, hereby enters an appeal to the Supreme Court.

(Signed)

SEC. 3. Such notice shall be transmitted personally or by registered mail on the day upon which it is dated, one copy to the Prothonotary of the Supreme Court, one copy to the clerk

of the Court in which sentence was pronounced and one copy to the district attorney of the county in which such conviction took place, each of whom upon receiving the same shall note thereon the date of the receipt thereof.

SEC. 4. It shall be the duty of the clerk of the Court in which such conviction took place and he is hereby required within ten days from the receipt of such notice, the day when it is received to count as the first, to transmit to the Supreme Court the full and complete record of the trial and conviction, including the copy of notice of appeal and the transcript of the stenographer's notes of testimony and charge of the Court, and no bill of exceptions shall be required.

SEC. 5. It shall be the duty of the Prothonotary of the Supreme Court and he is hereby required to note upon his copy of the notice of appeal the date upon which the said record was received, and attach the said copy to the said record.

SEC. 6. Writs of error and of *certiorari* are hereby abolished in cases where a person has been sentenced to death, and such cases shall be appealed to the Supreme Court only in the manner and within the time herein provided, and execution shall be stayed until they are determined.

SEC. 7. [A repealing clause.]

SUGGESTED MODIFICATIONS OF RULES OF SUPREME COURT IF ABOVE
ACT SHOULD BE ADOPTED

RULE 8. All appeals in cases of conviction and sentence of death for murder of the first degree shall be assigned for argument at the head of the list upon the third Monday next after the record of the case has been received by the Prothonotary. *Provided*, that if the court shall then be in session in any district the prothonotary shall certify the record to the district in which the court shall be sitting. If the court shall not be in session at that time the record shall be certified to the district in which the next term shall be held.

RULE 9. The appellant's paper book in such cases shall contain the following matters in the following order:

1. The title of the case. 2. The dates of jury called, verdict, sentence, motions made and the court's action thereon with any opinions filed. 3. A statement of the question involved. 4. A history of the case. 5. The charge of the court with the points,

if any, which were submitted in writing to the court below, together with the court's answers thereto. 6. The specifications of error. 7. A brief argument. 8. An appendix containing the evidence in full.

The appellant is not required to print the transcript of the stenographer's notes of the examination of jurors, unless he raises some point of law in relation thereto, in which case he shall print the entire examination of the juror whose acceptance or rejection is excepted to. The appellant is not required to print the indictment and other parts of the record, except as hereinbefore provided, unless he raises some point of law in relation thereto, in which case he shall print such part of the record as may be necessary for a proper consideration of the question involved.

NOTE

The writer desires to express his thanks to Mr. George W. Geasey, of Philadelphia, for assistance rendered in the collection of data, in preparation for the press and in correction of proof. To Mr. McAfee, the Secretary of the Commonwealth, for his courtesy in placing his office at the writer's disposal. To Mr. Thorn, Clerk of the Board of Pardons, for his assistance in making accession to the records and books practicable. To Mr. Deininger and the other gentlemen in the office for their uniform politeness and cheerful willingness to lend their aid. To the members of the Bar, too numerous to mention, for supplying data. To Mr. Hartmann for accomplishing the difficult task of making the computations, and lastly to the Printer for his efficiency, courtesy and promptness in getting the matter through the press.

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1892



JOHN MARSHALL GEST

THE LAW AND LAWYERS, & HONORÉ de BALZAC

Read before the Pennsylvania Bar Association
June 29, 1911

By JOHN MARSHALL GILFILLAN, Esq.

The connection between law and literature is not so apparent to him who has not the necessary knowledge of the second as it is to him who has the first. The history of law is a part of the history of law itself is only the history of the law as it is put together. The novel is a part of the history of the law either implicitly or explicitly, and it is a part of its time, just as it is a part of the history of the law.

A great many great authors have written novels, comparatively few of them have written novels of law. The novels of Dickens and Balzac are not only their humor and interest to their readers, but also their information, but neither Dickens nor Balzac in either information or skill.

Brilliant writers, like cut glass, are not only brilliant, but also brilliant. Balzac's characters, as portrayed in his novels, are men and women of every walk of life, of every occupation, of every grade of intelligence, of every gradation of virtue and vice. He has a thousand strings, though not all the strings are of the same tone, and in so doing he has made a masterpiece. He has disclosed in his writings the very phase of the social organism.

If you want to obtain a just estimate of the value of his work, ascertain, if it be possible, the subjects which are of all the most important subjects, the relation of man to the state.



JOHN MARSHALL GEST

THE LAW AND LAWYERS OF HONORÉ de BALZAC

Paper read before the Pennsylvania Bar Association
June 29, 1911

By JOHN MARSHALL GEST, of Philadelphia

The connection between Literature and Law, while not always apparent to him who reads the first without some knowledge of the second, is nevertheless frequent and close. The history of law is the history of civilization, and law itself is only the blessed tie that binds human society together. The novel is the picture of society, and must either implicitly or explicitly be conditioned by the law of its time, just as it must reflect social conventions and customs.

A great many great authors have studied law, though comparatively few of them have known how to use their knowledge. The novels of Dickens and Scott owe much of their humor and interest to their authors' skilful use of their information, but neither Dickens nor Scott surpassed Balzac in either information or skill.

Brilliant writers, like cut diamonds, are many sided. Balzac's characters, as portrayed in his novels, included men and women of every walk of life, of every profession and occupation, of every grade of education, of every variation of virtue and vice. He played upon a harp of a thousand strings, though not all the spirits of just men made perfect, and in so doing he, more than any other novelist, has disclosed in his writings his own views upon every phase of the social organism.

If you want to obtain a just estimate of a novelist and his work, ascertain, if it be possible, his views upon the four subjects which are of all the most difficult: *Religion*, or the relation of man to the spiritual life; *Science*, or

the relation of man to the material world; *Woman*, or the relation of the sexes; and *Law* (including *Politics*), or the relation of man to society.

In Religion, Balzac professed himself a devoted adherent to the Catholic Church, which he styled in *Le Médecin de Campagne*, *The Country Doctor*, "A complete system for the repression of the depraved tendencies of mankind," rather than the cold negations of Protestantism. Yet he was fair enough to do full justice to the Jansenists, whose system had much resemblance to practical Protestantism. But it is apparent from many passages in his novels and particularly in *The Country Doctor*, and *Le Curé de Village*, *The Country Parson*, that his Catholicism was political rather than religious. It was a cult rather than a belief. He admired the Church as the conservative power in the State and Society. So far as he had any personal religion he was a deist and a mystic; and, indeed, he held that mysticism was the pure essence of Christianity. It is in the vague aspirations of Louis Lambert, and the influences of Boehm and Swedenborg in *Séraphita*, that we find his real beliefs.

His views as to Science correspond with his views as to Religion. As in the latter he was a mystic, so in the former he was an idealist.

The reader of his life will be amused by his scheme to invent a substitute for paper, which he reproduced in the autobiographical part of *Lost Illusions*; by his dream of making a fortune out of the old rubbish in the Sardinian mines; by his grotesque plan to raise pineapples in his country garden; by his wild project to transport oak timber from Russia to France without counting the cost of freight; by his airy visions of wealth from dairy farming and raising grapes and walnuts. Mulberry Sellers would have embraced him as a brother. In accordance with the equitable maxim, of which he had never heard, he considered that as done which ought to have been done. He

had the idea—never mind the dull details. In medical science he was led away by everything that was new and strange. He was fascinated by the theories of Mesmer, Hahnemann and Gall. He studied astrology, second sight, spiritualism, and consulted fortune tellers.

But as Lawton says: "His scientific knowledge was superficial in nearly every branch. It was his divination that was great." In *Modeste Mignon* he imagined a reaping machine that should do the work of ten men, and in *Catherine de Médicis* he anticipated some theories of modern science. "Everything here below," said Cosmo, the astrologer, "is the outcome of a slow transformation, but all the various forms are of one and the same matter;" and this idea he afterwards elaborated in *La Recherche de l'Absolu*, *The Quest of the Absolute*, and again in *Louis Lambert*: "Everything here on earth is produced by an ethereal substance which is the common element of various phenomena, known inaccurately as electricity, heat, light, the galvanic fluid, the magnetic fluid, and so forth. The sum total of the transformations of this substance under various forms constitutes what is commonly known as matter."

Balzac's opinion of Woman, like all his opinions, was essentially conservative, and perhaps best expressed in *La Femme de Trente Ans*, *A Woman of Thirty*, *Une Fille d'Eve*, *A Daughter of Eve*, and *Mémoires de deux jeunes Mariées*, *Letters of Two Brides*. Though woman is the most perfect of creations, and man a poor creature in comparison, yet she is inferior because she is ruled by her instincts and emotions, and is distinctly subordinate to man. To paraphrase the words of the great draughtsman of the Declaration of Independence, he holds this truth to be self-evident—that men and women are created unequal. Men know they are the superiors of women, and women down in the bottom of their little boots, that is, in their soles, know it themselves. The state of celibacy is con-

trary to perfect society; a childless woman, he says, is a monstrosity of nature; he made all manner of fun of old maids, and he maintained that woman's mission was to be the mother of the family of a man, and that through her the family must be conserved as the basic unit of human society. The viaticum of married life is resignation and self-sacrifice; the bonds of habit, he says, are better than love any day, while society substitutes a lasting sentiment for the mere passing frenzy of nature and creates the family as the foundation of all organized society. In short, in marriage the woman inspires, and the man must work, the woman must sacrifice her will, the man his selfishness.

His treatment of the sex problem was frank and free, and distinctly different from the reserve shown by English and American novelists. The sex relation is the core of human society, and human society, alas! is generally, like the apple of Eden, rotten at the core. Marriage is only a part of it, and divorce, about which we hear so much, is a still smaller fraction. That inexplicable attraction for the other sex, which characterizes men and women, is doubtless very much the same in London or Philadelphia as it is in Paris; and women, they say, are all alike everywhere, even if some of them in some places are rather more alike than others. Social conventions, however, are very different under different skies. Hence on the one hand our critics freely charge Balzac with immorality, while he in turn was never tired of accusing the English people of prudery and hypocrisy. Perhaps it is safest to say that Balzac was of the French, Frenchy. Their thoughts are not our thoughts, nor their ways our ways.

Balzac, indeed, endeavored to refute the charge that his women were generally, not to put too fine a point on it, not quite exactly just altogether what you like to have them; and in *Le Père Goriot*, Old Man Goriot, he actually compiled a list of his "virtuous women" and his "criminal

women," exulting in the result that the former class, including, however, those still to appear, numbered sixty as against thirty-eight of the latter.

If with the one hand he has given us Beatrix, Dinah and Valérie Marneffe, in the other he holds Eugénie Grandet, Ursule and Eve Séchard, who never felt a throb of the heart not inspired by husband or children.

I have taken the trouble and the time (which might perhaps have been better employed) to examine the list of the characters in the *Human Comedy*, compiled by MM. Cerfberr and Christophe in their *Compendium*. The total number of female characters is 610, and omitting those who are mentioned so casually that their morals do not appear at all, some 287, I find there are 141 who are decidedly shady as against 182 who are apparently respectable. The general impression received by the reader, however, is that the majority of his characters have no character at all.

In Law and Politics Balzac again appears intensely conservative. He believed in a constitutional monarchy and an aristocracy of the feudal type; aristocracy he said was the intellect of the social system. He wrote a pamphlet in favor of primogeniture, and he did not believe in the "rights of man," human equality, or the ability of the masses of the people to govern themselves. One man should have the power to make laws. For the provincial and middle classes, the bourgeoisie, he had little but sneer and satire. He reiterates in his novels his aversion to the Code Napoléon, "that Draconian work," as the leveller of all class distinctions, and particularly did he dislike those provisions relating to inheritance, whose effect was the continual subdivision of estates and the destruction of great houses. Equal rights of inheritance, he said in *A Daughter of Eve*, kill the family spirit. His doctrine was, Let things alone. Letting things be done in their own way is the secret of good government, and the true cause of social sores is the idleness of the rich and immoral. Indeed,

he even said that philanthropy, at whose root he hints is vanity, is a sublime error, in reality the bane of society, for it harms the mass while it benefits the individual; but his deep and sincere admiration of philanthropy (in others than himself) appears throughout *The Country Doctor* and *The Country Curate*.

In the literary treatment of his subjects Balzac at first inclined to Romanticism, but afterwards became the exponent, perhaps we should say the apostle, of Realism. As a young man he steeped himself in Scott's novels and he never lost his intense admiration for them. He called Scott "The Immortal," and often alluded to the Waverly novels as full of scenery, metaphor and dramatic situation. *Kenilworth* he praised for romance, *St. Ronan's Well* for detail and finish, *Ivanhoe* for history, *The Antiquary* for poesy, and *The Heart of Midlothian* for interest. I have noted in at least eighteen of Balzac's novels frequent allusions to Scott's characters, and particularly to the women, such as *Jeanie Deans*, *Di Vernon* (from whom he evidently modeled *Laurence* in *Une Ténébreuse Affaire*), the *Fair Maid of Perth*, *Queen Elizabeth*, *The Highland Widow*, and *The White Lady of Avenel*. And this is curious enough, for he complains there is no passion in Scott; his heroines, *Di Vernon* excepted, are all alike, and nothing but duty incarnate. Accordingly Balzac's early ambition was to write historical romances in the style of Scott, and the first book published under his own name, *Les Chouans*, shows that he was able to do it. Later on his novels *Sur Catherine de Médicis*, *Une Ténébreuse Affaire*, and *Maître Cornelius* (the last written to rehabilitate *Louis XI* from Scott's description of him in *Quentin Durward*), showed that he was able to continue and improve his method. But stronger still was his call to be the painter of contemporary life and manners, and well did he depict the heterogeneous French society of the first half of the 19th century, at once so singularly attractive and repulsive, showing life as it

was lived during the reactionary restoration of the Bourbons, and the bourgeoisie Monarchy of July. Upon this background he painted in brilliant colors man's pitiful struggle against the savage cruelty of nature and society, his plots show the gradual, fateful unfolding of his puppets' characters. That every man must work out his own damnation, is not merely a profound theological dogma, and a practical rule of life, but also a fundamental canon of literary art, amply illustrated in the *Human Comedy*, where over and over again we see how each actor commits the folly, crime, or sin, most congenial to his own nature. Selfishness, ingratitude, avarice, egotism, vanity, idleness, folly, jealousy, hatred, cruelty and lust, the whole list of evil traits, animate his men and women, and in his own opinion the chiefest of them is avarice. Balzac called a spade a spade, and he was very fond of talking about spades; except in those books like *Ursule Mirouet* and *Pierrette*, written expressly for those whom, in deference to the French language, I shall call the June Fillies. "You young girls," said he in *Ursule*, "are a public to be dreaded." ("Vous autres, jeunes filles, vous êtes un public redoutable.") And again, "I write for men, not for young girls, but I defy them to cite a single page in which religion or the family is attacked."

Balzac was indeed a Realist. He seized men and women in their homes and on the highways, he tore their clothes from their backs, and planted them in the market place under the bright sunlight before the gaping crowd, naked and unashamed, not because they were innocent, but because they gloried in their guilt. There they are, with not a rag to conceal their deformities. We watch the long procession pass

"And trace

A damned soul's epitaph in every face."

Scott reproduced human nature in his novels with as much accuracy and fidelity, but his characters are as differ-

ent from Balzac's as Raphael's cherubs are from the infantile failures preserved in big bottles in the anatomical museums.

Balzac called himself a humble doctor of the Faculty of Social Medicine. Rather let us say a Demonstrator of Pathology and Morbid Anatomy. He takes you into the dissecting room, while Meredith and Thackeray would tell you all you need or ought to know by means of illustrations.

There is evil in life, and literature to be truthful cannot ignore it. But Art for Art's sake is a false maxim, if it be allowed to degenerate into Dirt for Dirt's sake. The esthetic element cannot be separated from the moral. It has been well said by Mr. Frederick Lawton in his admirable book on Balzac, that "the artistic representation of vice and crime is justifiable only in so far as the mind contemplating it is carried out and beyond into the sphere of sane emotion."

Measured by this standard Balzac transgressed. There is no excuse for *Massimilla Doni* and other tales, and none for such a sordid story as *La Cousine Bette*, the Limburger cheese of literature, with Baron Hulot and the Marneffes. A man with a sensible nostril, as Milton neatly translates Horace, needs to hold his nose as he reads. Valérie Marneffe is perhaps the most loathsome character in the realm of fiction, although Balzac claims that he did not invent her. Perhaps not, it would seem impossible. Balzac, moreover, thus set a bad example for his successors of the decadent school, and those pornographic writers who out-Balzac Balzac without possessing his redeeming qualities, those authors whose books seem to be covered over with a sticky kind of dirty varnish that smells bad and comes off when you touch it. The great mass of this pseudo-realism is false because (to quote an anonymous critic) it treats an exceptional condition of things, and some particular aspect of life, as though they represented

the general and the whole, and this is one reason why young people who lack experience and judgment should not read them. Many of Balzac's other stories are strong meat, even if not as gamy as those mentioned. But in reading Balzac we must take him as he is and extract the abundant honey stored in the lion's carcass. And he must be read and judged in the mass. No single book can be selected which would give the reader a fair idea of his genius. He must study and compare very many or all of Balzac's works, and thus derive a composite impression. As Champfleury said: "There are two ways to criticize Balzac. First, read and sit down and write an article. Second, shut yourself up for six months and study every detail." Balzac may be justly compared with Dickens for humor, but Dickens was broader in caricature; with Thackeray for satire, but Thackeray was keener; with Meredith for analysis, but Meredith was more subtle; with Poe for imagination, but Poe was more fantastic; with Swift for cynicism, but Swift was more caustic; with DeFoe for realistic narrative, but DeFoe surpassed him in verisimilitude; with Scott for vivid description of nature and of men, but Scott was his master as well as his model. Yet Balzac combined in a manner altogether wonderful all these varied powers in such a way that his baptism of the children of his brain as the Human Comedy was justified. Everything is there.

Balzac was born on May 20, 1799. He died August 18, 1850. Some authorities say it was August 17th, but all agree that he is dead. At this time it makes very little difference to Balzac, and still less to us, which is correct. In his youth the great Revolution was recent history, and he saw disorganized society as it was rearranged by the First Consul and the Emperor. As he matured he witnessed the reactionary monarchies of Louis XVIII, Charles X, and Louis Philippe. His father was a lawyer, and obedient to the paternal wishes he studied law, first for

eighteen months with M. de Guillonet-Merville, an ardent Royalist, and for an equal period with a notary named Passez. Though duly qualified he never practiced either as lawyer or notary. The dry details of the profession were revolting to him. You cannot harness Pegasus to a plow. He said to his sister, "I should become like the horse of a treadmill which does his thirty or forty rounds an hour, eats, drinks and sleeps by rule, and they call that living!" But his time was not wasted, for it is doubtful if any writer, not even excepting Scott, found his legal knowledge more useful.

His accurate perception and marvelous memory enabled him to reproduce in imperishable words the men whom he had met and the Code which he had studied. I have counted the number of characters in *Cerfberr* and *Christophe's Compendium of the Human Comedy* who are connected with the law. There are 29 judges and magistrates, 23 barristers, 14 attorneys, 24 notaries and 28 office clerks, in all 118. Not all prominent to be sure: some have only a passing mention, but many of them carry on the main action of the story. There are altogether some 1540 men in the *Human Comedy*, so that approximately eight per cent. of his male characters have something to do with the law. His books are crammed with legal terms and references. The Code was at his finger ends; and as modesty can hardly be called the besetting sin of us common lawyers, it will do us no harm to read these novels as a study in comparative law as well as comparative morals.

The Code Napoléon replaced a tangled complication of heterogeneous and conflicting laws and customs. The famous epigram of Voltaire was that a traveler in France changed his laws as often as he changed his horses. Napoleon fused the old French customs of the North with the more developed Roman law of the South, in the embers of the Revolution, and from them cast the five codes in their enduring symmetry. There is little in the Code Na-

poléon that is original. It reduced to order and simplicity the pre-existing materials, and therein is its claim to greatness. It could only have been accomplished by the exercise of a highly centralized autocratic power, and so France anticipated Germany by a century. The Code Napoléon was promulgated in 1804, the German Code in 1900.

Of course, this sort of a code is little more than a clear and methodical statement of general principles and rules of practice, and can only be successful in such countries as France, where the law is the expression of legislative intent rather than judicial construction. In France, roughly speaking, the decisions of the courts are not binding as precedents in the English and American fashion; therefore the Code is a relatively permanent thing. The most that we can satisfactorily attain is a periodical revision of the statutes. There are some present signs, however, that the French courts are paying more regard to precedent, and our own courts rather less. Perhaps we may say that the French judges follow precedent when they feel like it, and our judges disregard precedent when they feel like it, so we may be approaching a judicial *entente cordiale* based upon the labor-saving formula, "Every case should be decided upon its own peculiar facts," which plan would be a great relief to seven men that can render a reason, or, to speak more technically, deliver an opinion, according, of course, to the *Rule of Reason*.

There are many millions of people, such as Frenchmen, Germans, Italians, and that sort of thing, who consider themselves more than half civilized, and yet live, in their blessed ignorance, under the Civil Code, or something like it, instead of our common law, and, strange to say, seem to get along fairly well. While our law has borrowed all it cared to from the civil law, the courtesy has not been very greatly reciprocated by these foreigners. The difference between the systems is so great that it is sometimes embarrassing to ascertain the French law in cases that occur in

practice, and it may perhaps assist some of you to mention a rule that I have often found useful. If you want to know what the French law would be in a given state of facts, do not waste time in trying to study it up, for you will never understand it, but apply this simple formula: First, find out, if you can, what our own law would be, or better still, ask some good lawyer. Then take the exact contrary to this, and the result will probably be a more or less accurate statement of the French law on the subject.

We shall not to-day adopt this practical method of studying the French law, but out of the wealth of material extract a few examples of Balzac's treatment of law and lawyers. All of his books, except a few of the slighter sketches, have in them something of interest, but many of them are really legal novels. Nor was he unmindful of his obligation. He dedicated *L'Episode sur la Terreur* to his former preceptor Merville, his "cher et ancien patron," in terms of affectionate regard, declaring that it was from him that the author had learned enough of legal procedure to manage the business of his "little world"; and from this same Merville he drew the character of Derville, as his ideal of a competent and zealous lawyer.

Balzac's personal experience with the law was not happy. He fell in with many publishers and fell out with all, or at least most of them. He had many creditors, and the feeling between him and them was one of mutual and distinct dislike. The humdrum duties of supplying MS. on time, and paying bills when they fell due, did not appeal to his artistic genius, but he was a tenacious stickler for his own legal rights.

His most important litigation was with the *Revue de Paris* in 1835, the editor of which sent the proofs of *Le Lys dans la Vallée*, *The Lily in the Valley*, then in course of publication, to the *Revue Française* of St. Petersburg. This Balzac claimed was in violation of their agreement, and he took away his novel from the *Revue de Paris* after

three parts had been published. Suit was brought against him to compel him to continue the publication and for damages caused by the delay. It was decided practically in Balzac's favor, though Buloz, the publisher, recovered the money advanced for copy not supplied, but as Buloz had to pay the costs this was not very substantial. Inspired by this suit, Balzac drew up some years later a Code Littéraire for the Société des Gens-de-lettres which, needless to say, was never adopted by anyone but himself, and his resentment of newspaper criticism led him to lampoon the journalists in his *Distinguished Provincial* and his satirical monograph of the Parisian press.

His experience with another publisher was not so happy. William Duckett obtained a judgment against him for ten thousand francs, and to escape arrest Balzac took refuge in the house of a friend. A writ server obtained admission on the pretense that he wanted to pay Balzac some money, and when the great novelist tripped down stairs to receive it, he was promptly tripped up with an arrest warrant for the debt, which his generous friend paid on the spot.

Several times Balzac was imprisoned under the conscription law for failing to serve in the National Guards, and he later on attempted to evade his creditors by executing a fictitious sale of his country place. His biographers do not record the outcome of this experiment, but the net result of his legal complications was probably summed up in *Les Proscrits*, or *The Exiles*, "I see too much of the law not to know that it is well to have nothing to do with it."

Although, of course, Balzac never practised law he made himself somewhat conspicuous in 1839 by his efforts to save the life of one Peytel, convicted by circumstantial evidence of the murder of his wife and servant. Thackeray, in his *Paris Sketch Book*, gives a long account of the case, which he used to illustrate the superiority of the

English criminal procedure over the French. Of Balzac's letter Thackeray remarks that it was so very long, so very dull, and so very pompous, that the Parisian public gave up Peytel and his case altogether.

Notwithstanding his own experience, Balzac, in his general views of law and lawyers, more nearly resembled Scott than Dickens. Like Scott he was a well-read lawyer, and was impartial in his treatment of the profession. He could separate the evil from the good, and could contrast the upright and learned judge and lawyer with the trickster and the incompetent. Dickens, on the other hand, could see no good in either the science of the law or in the men who practiced it. He scarcely mentioned law except in terms of contempt, and nearly all his lawyers are caricatures. With Balzac, I say, it was different, though, to be sure, his standard—perhaps it was the French standard—of professional ethics is not quite the same as our own. As examples of Balzac's opinions I have collected a very few of them, scattered through his writings, to illustrate his impressions of law, law students, lawyers and judges.

Justice, he says in *César Birotteau*, is the expression of society itself; beneath justice is the sovereign will, the laws by which men have agreed to live.

In *La Femme de Trente Ans*, *The Woman of Thirty*, he says, "Law is the doctrine, and custom the practice of society."

Henriette in *The Lily in the Valley*, in her remarkable letter to Félix elaborates the idea: "My dear, these laws are not all written in a book; customs also create laws; the most important are the least known. Obey the general law in all things without disputing it, whether it hurts or advances your interest."

These manners and customs are often more cruel than the law. As Balzac says in *Une Ténébreuse Affaire*, "The manners of the time are the outcome of human nature, the law is framed by the intellect of the nation, (les mœurs,

ce sont les hommes; mais la loi, c'est la raison d'un pays); customs which are sometimes irrational are therefore stronger than the law."

He gives some occasional suggestions as to legislation. Thus in *The Country Doctor*: "The law maker should be in advance of his age;" "Local differences should be studied before passing laws; every place must be considered separately;" this was probably a reflection upon the uniformity of the Code Napoléon. "We have something like forty thousand laws in France" said the Country Doctor. "We might as well have none at all." Of course Balzac uttered some of the conventional gibes about the law. He repeats, in *La Maison Nucingen*, Montesquieu's aphorism, "Laws are like spiders' webs; the big flies get through, while the little ones are caught." "A lawyer!" cried David Séchard in *Lost Illusions*, "the very word gives me the colic."

Indeed, Balzac is ungallant in his comparisons. In *Modeste Mignon* he says a lawsuit is like marriage, because one party is always left dissatisfied.

"Law, like medicine, has its victims. In the first case one man suffers for the many, and in the second he dies for science," said the rascally lawyer Fraisier in *Cousin Pons*.

Balzac often notices the developing effect of practice upon lawyers.

"Society goes through our hands," said the Notary Crottat in *The Woman of Thirty*. "We see its passion in that most revolting form, greed. Here it is the mother of a family trying to disinherit the husband's children to enrich others whom she loves better; or it is the husband who tries to leave all his property to the child who has done his best to earn his mother's hatred."

"There are," said Derville in *Le Colonel Chabert*, "in modern society three men who can never think well of it—the priest, the doctor and the man of law. And they

wear black robes, perhaps because they are in mourning for every virtue and every illusion. The most hapless of the three is the lawyer. When a man comes in search of the priest he is prompted by repentance, by remorse, by beliefs which make him interesting, which elevate him and comfort the soul of the intercessor, whose task will bring him a sort of gladness; he purifies, repairs and reconciles. But we lawyers, we see the same evil feelings repeated again and again; nothing can correct them; our offices are sewers which can never be cleansed."

And so Balzac observes in Ursule Mirouet, that Judge Bongrand knew life well and had acquired in his profession large-mindedness, learning, accumulated observation, shrewdness and power of conversation.

On the other hand, in Madame Firmiani: "There is in a lawsuit an eagerness, a passion, which may sometimes blind the most honest man alive. Lawyers know how to legitimize the most preposterous claims, there are syllogisms in law to humor the errors of conscience, and judges have a right to make mistakes."

His accounts of the courts and prison life are remarkably good, especially in reference to Vautrin's career. In the *Splendeurs et Misères des Courtisanes*, there is a most vivid description of the Palais de Justice, and the hall known as the *Salles des Pas Perdus*, too long to be quoted. All the minute details of the prison cells and corridors and offices are related with the accuracy of a guide book.

Balzac had made a careful study from actual cases of crime and the criminal law, and has offered a number of thoughtful observations about both. While in opposition to Victor Hugo, he approved of the death penalty for murder, yet he does not fail to note that it may lead a criminal who has committed one murder to add another to his account. "There is no such thing," he says in *A Start in Life*, "as a criminal who is bad all through;" and in *Vautrin's Last Incarnation* he refers to the status of

released convicts, who are suspicious of society as society is suspicious of them, and are doomed to starvation or crime.

"Ignorance," he says in *Cousin Betty*, "is the mother of every crime;" "a crime is in the first instance a defect of the reason;" a remark which is true only in general; and in *L'Envers de l'Histoire Contemporaine* he suggests that convicts ought to be placed in religious institutions among good men rather than their own kind.

Criminal procedure, he says in *Un Grand Homme de Province, A Distinguished Provincial*, is based on the rule that everything that is probable is true, which is consonant with Bordin's opinion in *Une Ténébreuse Affaire*: "If the simple truth is given, the whole thing looks transparent," and "If the truth often looks like fiction in court, fiction on the other hand looks like truth;" maxims of which Bordin availed himself freely in defending Michu.

In *L'Envers de l'Histoire* he gives a copy of the indictment in 1809 of du Vissard and others, setting forth all the circumstances in such detail that, although it was considered short, it occupies some twenty pages. He calls it *Le Roman de Rob-Roy en France* avant celui de Walter Scott.

Balzac is frequently struck with the inequality and inadequacy of criminal punishment. "How is it," he exclaimed in *Old Man Goriot*, "that a dandy who in a night robbed a boy of half of his fortune gets only a couple of months in prison, while a poor devil who steals a bank note for a thousand francs is condemned to penal servitude?" And in *A Combien l'Amour revient, What Love Costs*, "If a lawyer makes off with the fortunes of a hundred families it is far worse than killing a man."

Balzac remembered his student experiences. In *Z. Marcas* he mentioned a students' lodging house in the Rue Corneille, "where there is a winding staircase, quite at the back, lighted below from the street, higher up by borrowed

lights, and at the top by a skylight. There were forty furnished rooms, furnished as students' rooms are! What does youth demand more than was here supplied? A bed, a few chairs, a chest of drawers, a looking-glass and a table. As soon as the sky is blue the student opens his windows."

And from the same story we learn that the profession was overcrowded then as now. "In all the law courts there are almost as many lawyers as there are cases. The pleader is thrown back on journalism, on politics, on literature. Work as he will with all his energy, a young man starting from zero may at the end of ten years find himself below the point he set out from. In these days talent must have the good luck which secures success to the most incompetent; nay more, if it scorns the base compromises which insure advancement to crawling mediocrity, it will never get on." In *Old Man Goriot* it is said that not five advocates in Paris made 50,000 francs a year, and Peyrade in *Les Petits Bourgeois* said the streets of Paris were fairly paved with lawyers.

Law students were pretty much the same then as now. Rastignac in *Old Man Goriot* went to the lectures simply to answer to his name, and then left. Through a reasoning process familiar to most students he saw the advisability of deferring his studies to the last moment before going up for his examination, and then cramming his work into the third year when he meant to study in earnest.

Balzac gives a minute and interesting study of a law student's experience in *Un Début dans la Vie*, or *A Start in Life*, one of his most entertaining and farcical sketches. "Live in a garret," said Old Cardot to Oscar Husson; "go straight to your lecture and from that to your office; work away morning, noon and night, and study at home; be a second clerk by the time you are two and twenty, and a head clerk at four and twenty." And when he enters Maître Desroches' office the attorney introduces him to

Godeschal, the head clerk, with these words: "He will dine with us and sleep in the little attic. Allow him exactly time enough to get to the law schools and back so that he has not five minutes to lose; see that he learns the code and does well at lectures; give him law books to read up when he has done his school work." The boy had to get up at five to go to the office, and his day lasted until bedtime; his only holiday was Sunday. They had pleasant jokes for new pupils, one of which was an elaborate scheme to make each fresh arrival pay tribute in the form of a *Bienvenue*, or an elaborate breakfast to the office. A sham register of the High Festivals of the Minions of the Law (*Registre architriclino-basochien*), beginning in 1525, and containing the records of the feasts supposed to have been given by each newcomer, was unostentatiously laid on the neophyte's desk, and Frédéric Marest whose turn it was, gave them a bacchanalian feast at the Rocher de Cancale with some young ladies of his acquaintance which proved very unfortunate for Oscar.

The legal profession in Paris was divided, as it now is in England, into the two branches, and Balzac disapproved of the division. It is no more ascertainable, he said in *Les Petits Bourgeois*, *The Middle Classes*, why the law gives a client two men instead of one, than why an author needs both a printer and a bookseller, overlooking the obvious reason that it is more for the public interest to give two men a job than only one. The Association of Advocates forbade the members to do any legal act that is essentially the duty or right of the attorneys; and the advocates, who had to be householders, at least were under the supervision of a board of control like our censors, and Peyrade, the shyster lawyer, was summoned before it.

The lawyers seem to have in their fashion enjoyed life. Perhaps they had dinners together, as we do. In *The Seamy Side* it was said that M. Joseph's face bore traces of a joviality peculiar to the notaries and attorneys of

Paris, and in Modeste Mignon the jests of a lawyer's office were considered famous. And they knew what professional courtesy meant. The attorneys of Paris, it is said in *The Middle Classes*, live in real brotherhood, and the result is a certain facility for arranging any matter that can be arranged. They obtain from each other such concessions as are admissible, applying the proverb one good turn deserves another, which is acted on in fact in every profession. The counterpoise to this good fellowship lies in what may be called the professional conscience; no consideration can overcome the sense of honor of a lawyer.

Of course, there were both sheep and goats in the profession. In Paris, said Blondet in *La Maison Nucingen*, there are attorneys of two classes. There is the honest attorney: he abides within the law, pushes on his cases, neglects no one, never runs after business, gives his clients his honest opinion, and makes compromises in doubtful cases; he is a Derville in short. Then there is the starveling attorney, to whom anything seems good, provided he is sure of expenses; he will work to make the worse appear the better cause, and take advantage of a technical error to win the day for a rogue. Of the latter class Fraisier in *Cousin Pons* is a good example, who thus advised his client: "Unless you keep within the law, you get nothing. You know nothing of the law; I know a good deal. I will see that you keep on the right side of it, and you can hold your own in all men's sight. As for your conscience, that is your own affair."

A lawyer, says Balzac, in *The Country Parson*, and again in *An Historical Mystery*, is, at the first, judge of the client and the case; but unfortunately Clousier, the lawyer in the *Country Parson*, lost his practice by his adherence to this maxim, instead of that asserted by Dr. Minoret in *Ursule*, that the glory of a clever lawyer is to gain a rotten suit. Such men are those of whom Milton speaks as "allured to the trade of law, grounding their

principles not on the prudent and heavenly contemplation of justice and equity, which was never taught them, but on the promising and pleasing thoughts of litigious terms, fat contentions, and flowing fees."

Balzac pays his respects to clients as well as to their lawyers. They were conscienceless as well. "I do not know," said the Marquise d'Espard, when examined as to her affidavit in *L'Interdiction*, "what my attorney may have put into my mouth."

Attorneys, he says in *The Middle Classes*, meet with more clients who tell lies than who tell the truth; and in *Lost Illusions*, "The client before and after the lawsuit would furnish a subject worthy of Meissonier; there would be brisk bidding among attorneys for the possession of such admirable bits of genre."

Practical experience of litigation teaches the layman a good deal. There is nothing so little known as that which everybody is supposed to know, the law of the land, to wit, and so he shows in *Lost Illusions* how David Séchard learns something about the law of commercial paper. No wonder that, by way of illustration, he said in *L'Elixir de longue Vie*, *The Elixir of Life*, "thoughtful as a man in a lawsuit on his way to court." Everyone knows how sometimes we have to give our clients a good talking to, although as Latournelle, the notary in *Modeste Mignon*, said, we fling their secrets into the Styx which every lawyer keeps handy for them. So, in *The Bachelor's Establishment*, Desroches, the attorney, gave the dreadful Philippe Bridau one of those unanswerable sermons, in which a lawyer places things in their true light, using the crudest language to epitomize the facts of his clients' conduct, to analyze their ideas, and to reduce them to the simplest expression.

A lawyer's apparent indifference sometimes surprises the agitated client. Derville when consulted by Birotteau was staid and self-possessed as is the wont of the men of

law, accustomed as they are to the most harrowing disclosures. Birotteau felt as a new thing in his experience this necessary coolness; it was like ice to an excited man telling the story of his misfortunes.

But this coolness is better for the client. Balzac remarks in his description of the trial in *Une Ténébreuse Affaire*: "The lawyers' faces inspired confidence; a doctor never allows a patient to see his misgivings, and a lawyer always shows his client a hopeful countenance. These are the rare cases when insincerity becomes a virtue."

Balzac's pictures of lawyers and their offices abound in his novels, all characterized by his minute attention to detail. In *Cousin Pons* he thus described the shyster Fraasier and his offices: "The room was a complete picture of a third-rate solicitor's office, with the stained wooden cases, the letter files so old that they had grown beards, the red tape dangling limp and dejected, the pasteboard boxes covered with the gambols of mice, the dirty floor, the ceiling yellow with smoke." There is a similar uninviting description of Claparon's business office in *César Birotteau*. "Fraasier was small, thin and unwholesome looking; his red face, covered with an eruption, told of tainted blood. A wig pushed back on his head displayed a brick colored cranium of ominous conformation. One might have thought there was pestilence in the air."

Regnault in *La Grande Bretèche* is thus depicted. "A man tall, slim, dressed in black, hat in hand, who came in like a ram ready to butt his opponent, showing a receding forehead, a small, pointed head and a colorless face of the hue of a glass of dirty water. He wore an old coat much worn at the seams, but he had a diamond in his shirt front, and gold rings in his ears."

Desroches is described in *Un Ménage de Garçon* as having a harsh voice, a coarse skin, pitiless eyes, and a face like a ferret's licking the blood of a murdered chicken from its lips.

One of the characters in *La Maison Nucingen* thus described this same Desroches: "He used to make me feel that I had met a tiger escaped from the *Jardin des Plantes*. He was lean and red haired, his eyes were the color of Spanish tobacco, and his complexion was harsh. He looked cold and phlegmatic. He was hard upon the widow, pitiless to the orphan, and a terror to his clerks. Learned, crafty, double faced, honey tongued and never flying into a passion."

The rascally Goupil in *Ursule Mirouet* had short legs, a broad face with a mottled skin, a hooked nose, twisted crosswise from right to left, and thin, reddish hair. His arms were over long, ending with huge hands that were seldom clean. With worn-out shoes and thread-bare, greasy clothes, nothing was lacking in the aggregate of sinister details.

The notary in France, and especially in Paris, is a very important personage, and middle class men believe a notary far rather than an attorney. A Paris citizen, said Balzac, is not without some alarm when he goes to see his attorney, while he always goes with fresh pleasure to his notary, and admires his wisdom and good sense. He is the man of business par excellence, and enjoys a lucrative monopoly in his supervision of deeds and mortgages, marriage contracts, wills, articles of incorporation, etc. The notaries form an exclusive, self-perpetuating association, something like our Stock Exchange, and now in Paris number but 122. When a notary dies or retires his business is sold, and his successor takes over and preserves the records and papers of the office. Their clients are protected by this salable value of their office, and apparently they are obliged to make a deposit for their clients' further protection. Balzac refers to this several times in *César Birotteau* and *Les Petits Bourgeois*. Notaries cannot speculate on their own account. Balzac frequently refers to this also

and their fraudulent tricks to circumvent the law, especially in *Les Petits Bourgeois*.

Balzac has a great deal to say about judges, and most of his judges are honest men, like Popinot in the *Commission in Lunacy*, and old Blondet in *The Cabinet of Antiques*. The latter's integrity was as deeply rooted in him as his passion for flowers; he knew nothing but law and botany. He would have interviews with litigants, listen to them, chat with them and show them his flowers; he would accept rare seeds from them, but once on the bench no judge on earth was more impartial.

The allusion here is to the practice which at least up to the Revolution permitted, or at least condoned, the personal solicitation of judges and even the making of presents to them by litigants, like the custom in England which caused Bacon's downfall. Indeed, the office of judge in France was formerly salable like an estate. In Balzac's novels there are frequent allusions to the influence used outside of the court room upon the judge. Judge Camusot, for example, was completely under his wife's influence, and the ladies generally seem to have been very successful in this irregular practice. In *The End of Evil Ways* the Countess de Sérizy called on the judge to interview him as to Lucien de Rubempré, and actually seized the notes of his examination and threw them into the fire. The ladies, said Balzac, have a code of their own, and laugh at statutes framed by men. "If that is a crime," said the countess, "well, monsieur must get his odious scrawl written out again."

To mention those of Balzac's novels that possess legal interest is almost to repeat the catalogue of all. To get over the ground we must proceed *hoppibus, skippibus, jumpibusque*, a Latin expression you may hunt for in Cicero. Of those most important may be mentioned these: *The Country Parson* derives its dramatic interest from the murder of the miser, Pingret, by Tascheron, during his

intrigue with Véronique Graslin. He was convicted through circumstantial evidence; and it is curious to note that the jury were not segregated, and that Graslin, who was one of the jurymen, talked the case over with Véronique, his wife, who suggested her lover's acquittal, on the ground that if Tascheron's life was spared the relatives of the murdered man might recover his money. Seven of the jury, therefore, voted to acquit and five to convict; the judges voted with the minority, and Tascheron was convicted. (This was in 1829 before the law of May 13, 1836.) His execution took place at the time of the birth of Véronique's child, and the remainder of the book is an attempt to work out the change wrought in Véronique's character through the influence of the Country Parson. Her dramatic confession at her death reminds the reader of Hawthorne's *Scarlet Letter*.

Ursule Mirouet, one of Balzac's masterpieces, is distinctly a legal novel. Ursule, the orphan niece and ward of Dr. Minoret, and intended by him to be his universal legatee, was, naturally, the object of the enmity of his heirs at law, among whom Ursule was not included on account of her father's illegitimacy. This gave Dionis, the notary, an opportunity to give a learned opinion to the heirs at law on the law of inheritance by illegitimates, referring to Articles 757, 908 and 911 of the Code, and the decisions of the Court of Appeal and the Royal Court of Paris, against which the head clerk Goupil cited a judgment delivered by the Supreme Court at Colmar in 1825. When a mortgage is given to Dr. Minoret to secure his advances to Savinien, the formalities are all mentioned, even to the registration fees. And when Dr. Minoret settles his account with Ursule, as her guardian, a family council was held in accordance with the Code. Dr. Minoret being aware that a will in Ursule's favor might be disputed, and that his adoption of her might rise to litigation, invested her money in consols payable to bearer, and hid them in a volume of

the Pandects, a book pretty sure not to be opened. He then wrote a will in favor of the Vicomte de Portenduère, Ursule's fiancé, and explained his plan in a letter to Ursule, hidden in a cabinet. The doctor's nephew stole the will and letter and the certificates, and there is related in detail the inventory and legal settlement of the estate, and the final discovery of the theft.

In *La Recherche de l'Absolu*, or *The Quest of the Absolute*, Balzac introduces very many points of law. The rights of children in their parents' estate, and the emancipation of a minor by marriage or by consent of the family council if eighteen years of age, under Articles 476 and 478 of the Code, and the minor's disability under Article 484 to sell her real estate, are important in the framework of the story. In like manner in *Albert Savarus*, Rosalie de Watteville was emancipated before twenty-one.

César Birotteau is the story of the successful but simple-minded perfumer, who amassed a fortune by his lotions, and then ended in bankruptcy through the fraudulent land schemes of the notary Rogron. They had straw men in those days. Balzac's own financial troubles doubtless induced him to make a special study of the bankrupt law. We have the filing of the petition, the publication of the decree in the *Gazette*, the filing of the schedule, the appointment of the agent, the preparation of the inventory, Birotteau's deprivation of civil rights, the meeting of creditors and appointment of trustees, the Concordat or composition, and the bankrupt's discharge; all are set forth in such elaborate detail that the story has been styled a handbook of the Commercial Code. Though Birotteau by his bankruptcy lost his civil rights, in the end, crushed, insulted and yet forgiving, he is rehabilitated through the efforts of his friends and dies dramatically after his triumphant return to the Exchange. In *César Birotteau* there are also many details of landlord and tenant law, and

building contracts, so intricately described that it is impossible to condense them.

Cousin Pons was a childlike old musician, with a famous collection of valuable paintings. The novel is entirely taken up with the conspiracy of the infamous Doctor Poulain and the Lawyer Fraasier, who try to induce him to make a will in favor of his dreadful nurse, La Cibot; and after he died, leaving a will in favor of his friend Schmucke, the intrigues are related, by which the legatee was defrauded of his rights. In this story mention is made of several points of testamentary law: that a physician in attendance on a testator cannot accept a bequest, Article 909 of the Code; that in the absence of heirs in the direct line a testator may dispose of his entire property by will, Article 916; and there are described different ways of making wills, which may be either dictated to a notary in the presence of witnesses, or holographic, *i. e.*, written out, dated and signed by the testator himself. It is curious to note the fidelity to detail with which Balzac describes the formalities of the registration of death (the *Acte de Décès*) with witnesses under Article 77 of the Code.

Les Petits Bourgeois, or *The Middle Classes*, is so crammed throughout with the sordid legal schemes of La Peyrade and Cerizet, with constant references to many titles of the law, that it is impossible to do justice to it here. In fact it contains sufficient material for a separate paper. *Les Illusions Perdues*, or *Lost Illusions*, abounds with commercial and patent laws, suits, executions and interpleaders, and arrests for debt. It appears that arrears of rent are a preferred claim in bankruptcy; and that articles of partnership must be filed with the Tribunal of Commerce, see Article 42 of the Commercial Code. We learn a good deal about the difference between the Paris and country lawyers, the law of costs and the method of protesting drafts. As old Séchard said, "See what comes of knowing how to write your name."

In *Esther* it is noted that by writing *Bon pour* you simply promise to pay; doubtless Article 1326 of the Code is alluded to. The word *Accepté* constitutes a bill of exchange, Article 122 Commercial Code, and makes you liable to imprisonment for five years. *Cérizet in Les Petits Bourgeois* made La Peyrade sign a bill in this way. *Le Cabinet des Antiques*, or *The Collection of Curiosities*, is the story of Notary Chesnel's devotion to his family clients, and is filled with the law of forgery, from which we learn that in France the charge of forgery may be brought by a private individual and can be settled out of court if the money is returned to the person defrauded. In *Le Curé de Tours*, *The Abbé Birotteau*, we have the simple old Abbé and his legal tangles with his landlady, the artful old maid who got him to sign an agreement to give up his furniture if he left the house, and then forced him to go. *Les Comédiens sans le savoir*, *The Unconscious Comedians*, might have, as a second title, *How to win a lawsuit*. *Gazonal*, a man of the South, comes to Paris about his pending lawsuit, apparently a case of eminent domain as we would call it, meets his old friends de Lora and Bixiou, with whom he did the town, and discovers that the way to succeed in litigation is to reach the court through the ladies and politicians who enjoy the judicial confidence. After *Gazonal* had given promissory notes to Miss Jenny Cadine, the mistress of Massol, who had the case decided in his favor, he had his notes handed back to him by de Lora, and the farce ended in a roar of laughter.

In *Eugénie Grandet* the author takes pains to explain the difference between liquidation and bankruptcy, either voluntary on the bankrupt's own petition, or involuntary upon the petition of his creditors. Liquidation is not bankruptcy; it is a disgraceful thing to be a bankrupt, but liquidation reflects no discredit, as it can be privately arranged without recourse to the Tribunal of Commerce. The old miser, Grandet, undertook to liquidate his brother's

affairs, with the consent of the creditors, and managed so well by tiring them out for five years that he made a very good thing out of it for himself; but in the end Eugénie, who inherited his fortune, paid all the debts in full for the sake of her worthless cousin Charles. So Charles Mignon, in Modeste Mignon, underwent a voluntary liquidation in this way and afterwards returned to Havre a millionaire.

Un Homme d'Affaires, A Man of Business, is a little sketch showing how a sharp lawyer got the better of the sharp spendthrift de Trailles, by his greater familiarity with the procedure in attachments.

In Cousin Betty there are numerous legal details. Whereas a Frenchman might be imprisoned but five years for debt, a foreigner remained in prison for life, or until his debts are paid, so Cousin Betty had Steinbock, who was a Pole, arrested by a cunning little trick, in order to gratify her jealousy. Victorin Hulot appears as the type of the honest lawyer, who studied his cases thoroughly and would not accept every brief that was offered him. The unspeakable Valérie after her husband's death remains chastely a widow for ten months in accordance with Article 228 of the Code, and the provisions of her marriage contract with Crevel, drawn up by Berthier, are given in detail. He even notes that a marriage contract costs fifteen francs, and the marriage costs thirty, which expense caused many poor people to ignore the legal formalities. And in this book, as in many others, Balzac refers to Article 913 of the Code that forbids a man from giving away more than half of his estate if he leaves one child, more than a third if he leaves two children, or more than a quarter if he leaves three or more.

Pierrette is the touching story of a little orphan girl, whose ill treatment by her guardian Rogron gave rise to lawsuits only terminated by her death. The law regulating guardianships through the family council is discussed, including the appointment of a tuteur subrogé, or deputy

guardian, who in Pierrette's case was Auffray, the notary, to whom the court gave the custody of Pierrette after Rogron's cruelty to her became known. Under Article 421 of the Code, the deputy summoned a family council of six members, who were appointed by the justice of the peace as their legal president. Normally, under Article 407, this should be composed of three relations on the father's side and three on the mother's, but, as this was impossible, the justice, under Article 409, summoned family friends in his discretion. The council dismissed Rogron as guardian and appointed Auffray as Pierrette's guardian and Ciprey deputy guardian. But Pierrette died before her lawsuits were ended, and it was never legally determined how far her death was due to the cruelty of her unnatural guardian.

Une Ténébreuse Affaire, sometimes called a *Gondreville Mystery*, is the narrative of the abduction of Malin, in the time of the first Empire, and a large portion of the book is occupied with the very vivid account of the trial of Michu, his conviction, the ineffectual appeal to Napoleon, and his execution, all under procedure anterior to the Criminal Code.

In *Ou Mènent les Mauvais Chemins*, or *The End of Evil Ways*, and *La Dernière Incarnation de Vautrin*, Balzac gives us a picture of society from the viewpoint of the criminal. He relates in a manner absolutely true in its details criminal procedure, the habits and methods of the criminals of the day, their peculiar code of honor, and repeats their very slang. These books and *L'Histoire des Treize*, *The History of the Thirteen*, with *Ferragus*, seem to be the origin of the police novel of later times.

The examination of Lucien and Vautrin by the Juge d'Instruction in *The End of Evil Ways*, and of Tascheron in *The Country Parson*, in order to discover the facts of the case, show the source from which the police of our times may have derived the "third degree," though, indeed, the English State trials disclose a startling similarity.

Balzac approved of this method of ascertaining guilt. Innocent men, he says, are quickly released; and while public opinion condemns persons under suspicion, it is favorable to those committed for trial.

Le Contrat de Mariage, or *The Marriage Settlement*, is the story of a very unhappy marriage with too much mother-in-law. As its title implies, the interest of the tale centers about the sordid business negotiations between young Salonet and old Mathias, the two notaries, representing respectively the bride and the groom. Balzac never wrote anything more entertaining.

In *The Country Doctor* Balzac illustrates very neatly the French law under Article 1583 of the Code, according to which a sale is complete between the parties and the property passes as soon as the thing and the price are agreed upon, although delivery is not made nor the price paid.

In *Gobseck*, Derville the attorney, who appears to little advantage, tells the story of the old miser, with references to the law that a woman not in trade cannot make a technical bill of exchange, and that fees for settlements and compromises are not according to the fee bill. The story turns upon the law of sale with *faculté de rachat* or right of re-purchase, Article 1659 of the Code, a tempting arrangement to the needy Countess de Restaud. Derville shows how she, being a married woman, could not thus get money on her jewelry without her husband's consent, Article 217 of the Code; how he, Derville, assisted the usurer to circumvent the husband; how the Count made a deed of all his property to Gobseck, taking a counter deed as security, and how the Countess, after her husband's death hastily destroyed the deed thinking it was a will, so that Gobseck remained the owner of the estate, though he afterwards restored it to the Count's son.

In *Le Député d'Arcis*, or the Member from Arcis, Balzac gives the law as to recognition of natural children by *Acte authentique* under Article 334, that is, by deed

acknowledged before a notary. This, of course, was not equivalent to legitimation, which could be accomplished by the marriage of the parents under Article 331; but gave the children so recognized their certain shares of their parents' estates, defined by Article 756 of the Code, viz., a third of the share of a legitimate child. The law of interments is here referred to and also in Ferragus. In the latter book it is said that interments were under the charge of the police department, and that a husband has no right to the custody of his wife's dead body nor a father to his child's. In Paris there were seven classes of funerals regulated by law as to cost. In *Un Ménage de Garçon*, old Claparon was given a third class funeral, considered very cheap, but even that was too expensive for old Goriot.

In *Les Paysans*, Balzac repeats the proverb *Charbonnier est maître chez lui*, a man's house, even a charcoal burner's, is his castle, apparently an inheritance from the Roman law (Gaius in Dig. II, 4, 18), while in *Une Ténébreuse Affaire*, Malin harangued the crowd "*des droits du foyer, de l'habeas corpus et du domicile anglais.*"

In many of his stories Balzac illustrates incidentally numerous titles of the law. In *Catherine de Médicis* he illustrates the sumptuary laws of the period, the methods of judicial torture and execution, and even notes how modern municipal regulations have abolished the medieval gargoyles. In *Gambara* the old musician's panharmonicon was sold in execution on the public square in accordance with Article 617 of the Code of Procedure. In *La Vendetta* he shows the law of the marriage of minors, under which men under twenty-five years, and women under twenty-one years, cannot contract marriage without their parents' consent. After that age, if consent is withheld, an *Acte respectueux* or "respectful summons" under certain formalities, Articles 148 and 152, is held to supply the place of consent, this being a legal and formal way of saying "we intend to do it whether you like it or not."

In this way under Notary Roguin's advice Ginevra Piombo and Luigi Porta, whose families were separated by the Vendetta were finally married. In *Un Homme d'Affaires*, or *A Man of Business*, and *La Maison Nucingen*, or *The Firm of Nucingen*, we are given the law of confusion of debts under Article 1300 of the Code; in *Les Employés*, the law of gambling contracts under Article 1965 of the Code, and the purchasing of a bankrupt's debts, the allowance of which rests with the committee of liquidation, as was also arranged by Diard in *Les Maranas*; in *Melmoth Réconcilié* he notes that "P" is the usual abbreviation of "Protested" on bills of exchange; and even in *La Grande Bretèche*, that masterly tale worthy of Poe, where the story is related three times from three several viewpoints, the notary's narrative is drawn to life. M. Regnault in his description of *La Grande Bretèche* refers to the law forbidding, under heavy penalties, a trespass upon enclosed property, and says a hedge is the same as a wall. Speaking of the furniture he says, there was not enough to fill ten lines in an inventory; he explains the will of Madame de Merret, and the law forbidding a notary to accept a bequest under the will he has written; indeed, he talks throughout as though he were dictating a legal document.

Le Colonel Chabert is the pathetic story of a hero of the Napoleonic Wars, who was severely wounded at the battle of Eylau in 1807, and left senseless on the field. Supposed to be killed, his body was stripped and buried with the dead. Having revived and extricated himself he found himself in a hospital, a physical and mental wreck, and when, having suffered a total change in appearance, he recollected his name and rank, he found no one to believe him. He was alive, yet officially dead, and in something of the predicament described by Kipling in *The Strange Ride of Morrowby Jukes*, or that of Mrs. Cunnius, in *Cunnius v. Reading School District*, 206 Pa. 469, or Miss Mary B. Devlin, in *Devlin v. Commonwealth*, 101 Pa.

273. Nine years afterwards he succeeded in reaching Paris, and found that his wife had married Count Ferraud, by whom she had two children. This was bad enough, but, even worse than that, he found that his will had been proved and his estate settled and divided, his wife receiving most of it. Apparently this was in accordance with Article 120, *et seq.*, of the Code providing for the administration of the effects of an absentee, who is entitled to receive his property back again in its then condition, and one-fifth of the income, if he reappears within fifteen years. Now if a man wants to have his estate properly settled, it is absolutely necessary for him to die. It is not enough for him to disappear, no matter for how long, if he neglects this simple preliminary. When he comes back unexpectedly, and makes himself generally disagreeable, his return to the scene of his former activities will disarrange the most careful administration, and even if his supposed death was mourned, his reappearance will be even more sincerely lamented. This at least was Colonel Chabert's experience, and though not a lawyer he speedily concluded that there was a jurisdictional defect; and not being of the Enoch Arden temperament, he resolved to claim his money and his wife, minus the two superfluous children. Receiving no reply from his wife to his letters, he resolved to apply to her lawyer Derville, and the story opens with his entry into Derville's office, Balzac's description of which is hardly attractive. The office was a large room furnished with the traditional stove to be seen in all these dens. The stove pipe crossed the room diagonally to the chimney of a bricked-up fireplace, and on the marble chimney-piece were chunks of bread, triangles of Brie cheese, pork cutlets, glasses, bottles and the head clerk's cup of chocolate. The smell of these dainties blended so completely with that of the overheated stove, and the odor peculiar to old papers, that the trail of a fox would not have been perceptible. The only decorations consisted of huge yellow posters, seizures of real estate, auction sales in partition, and all the

glory of a lawyer's office. An enormous stack of pigeon holes adorned the wall from top to bottom, crammed with papers with an infinite number of tickets hanging from them at the ends of red tape, which give a peculiar physiognomy to law papers. The lower rows were filled with cardboard boxes yellow with age, on which might be read the names of the more important clients, whose cases were juicily stewing at the time. The dirty window panes admitted but little daylight. Were it not, says Balzac, for the mouldy sacristies where prayers are weighed out and paid for like groceries, and for the old clothes' shops with their fluttering rags, an attorney's office would be of all social marts the most loathsome. The colonel, with his singular appearance and costume, was received with ridicule by the office clerks, who were engaged in drafting an appeal from the head clerk's dictation, a greenhorn among them copying, as part of the legal form, the head clerk's instructions to dot his "i's." Derville is out, but an appointment was made for one o'clock in the morning, as this notable lawyer is apparently able to work all night. After hearing the story Derville, notwithstanding that he was attorney for the Countess Ferraud, agreed to represent the colonel, and advanced him money for living expenses. Upon receiving affidavits from Germany which convinced Derville of Chabert's identity, the lawyer explained to his client the legal complication resulting from the wife's second marriage. The point was not covered by the Code, and could only be decided by the judges "according to conscience," who might not think the colonel in a very pretty moral position at his age to reclaim a wife who no longer cared for him. (But see Article 139 of the Code.) Derville therefore advised a compromise for an annuity of 24,000 francs, for, as he justly said, with so much a year you can find other women who would suit you better and make you happier. So Derville interviewed the countess, his own client, as though she were a stranger and an adversary, and strange to say assumed to advise her, yet it seemed

to be regarded as entirely regular. The compromise fell through, the countess fell back on Delbecq, an attorney of her own, and completely triumphed over the old man, who spent the rest of his life in an asylum.

I have referred particularly to this story in order to show the standard of professional ethics followed by Derville. In *What Love Costs an Old Man*, the Duc de Grandlieu employed Derville to ascertain the source of the wealth of Lucien de Rubempré, who was the suitor of the duke's daughter. Derville visited Eve Séchard, Lucien's sister, and deliberately misrepresented himself as the attorney for a supposed natural brother, who would be entitled to certain rights in old Séchard's estate, and by her answers was assured of the falsity of Lucien's statement that his sister had supplied him with the money.

In *L'Interdiction*, or *The Commission in Lunacy*, Balzac portrays Popinot his ideal judge. The Marquise d'Espard who was living apart from her husband, and was very tired of him, presented, through the attorney, Desroches, a petition to the Court that the Marquis should be declared incompetent to manage his business affairs. The case was assigned to Judge Popinot, and the Marquise through her particular friend Rastignac procured Dr. Bianchon, the judge's nephew, to invite him to dine with her. The judge, by way of answer, quoted the Code of Civil Procedure, Art. 378, Sec. 8, forbidding any magistrate to eat or drink in the house of any party to a litigation before him. The judge was a widower with a penchant for old clothes and shabby hats, his hands preferred pockets to gloves, and he had a distinct aversion to shaving more than twice a week. With his huge feet, flat nose and enormous ears, his appearance did not commend itself to the casual observer, while his purity of mind and honesty of purpose made it impossible for him to enter into those schemes which political pull then made essential for professional advancement. Familiar with criminals, and knowing the life of all the poor of his district, he occupied the

time not spent in his judicial duties in works of charity, so that his merits were best appreciated by those who were least able to reward them.

The petition of the Marquise, founded upon Article 489 of the Code, is set out in full by Balzac and occupies nearly a dozen pages, setting forth in detail the alleged eccentricities of the Marquis; and after reading it Judge Popinot resolved to call upon the parties and examine them as to the facts. This procedure may seem queer to us, but the difference in practice is agreeable to the formula already given for French law. At any rate Popinot visits the Marquise, taking his friends along with him, and cross-examines her so skillfully that her dishonest motives are laid bare. He leaves as tea is served. In his subsequent visit to the Marquis he ascertains that the real cause of the apparent extravagance of the Marquis was his endeavor to make restitution to the lawful heirs of property confiscated at the time of the Revocation of the Edict of Nantes by Louis XIV and given to the ancestors of the Marquis. Just as the judge had written his report and was about to dismiss the petition, the President of the court dismissed him on the ground that he had taken tea with the Marquise, and Caesar's wife must be above suspicion, so Camusot, a dependable judge, who figures in other novels, is appointed in his stead.

But Balzac is too vast. It is impossible to discuss the law and lawyers of the Human Comedy in an hour. It would be easier to exhaust my audience than my subject, and to accomplish the latter would violate the rule against perpetuities. Any Balzackian will see that this is only the barest sketch of the subject, but as Emerson said in his Journal, "Sometimes a Scream is better than a Thesis," and as Lord Coke remarked, with one of his brilliant mixed metaphors, after a tedious discussion of the once profitable, but now happily forgotten, Statute of 32 Hen. VIII c. 5 (Co. Litt 290 a) "This little taste shall give a light to the diligent reader."

PAMPHLET
PREPARED BY JOHN H. JORDAN, ESQ.*

A SOUVENIR

FOR THE MEMBERS OF THE
PENNSYLVANIA BAR ASSOCIATION

AT THEIR

SEVENTEENTH ANNUAL MEETING

HELD AT

BEDFORD SPRINGS

ON THE

27th, 28th and 29th Days of June, 1911,

Presented by

JOHN H. JORDAN,

A Member of the Bar of Bedford County, and U. S. Attorney for the Western District of Pennsylvania.

A STATEMENT

This pamphlet contains extracts from the early records of the Courts of Bedford County, giving :

1. The dedimus potestatem on the part of John Penn to John Fraser, Bernard Dougherty and Arthur St. Clair, authorizing them to administer oaths of office and also the oath of allegiance.
2. The form of oath required to be taken by Officials serving under King George, III, and a copy of the first oath administered.
3. The form of oath that Officials were required to take after Pennsylvania joined the Union of the states.

*See page 169.

4. Copies from the criminal records of the Quarter Sessions Court for the County of Bedford showing the sentences imposed on conviction for crimes; that the pillory and whipping post were in use, and that other forms of punishment, which would now be considered barbarous, were enforced.

5. Also excerpts from the deed executed by the Six Nations to Garret Pendergrass, Sr., for the Land on which the City of Allegheny now stands.

Hoping these extracts may prove entertaining, I am,

Respectfully yours,

JOHN H. JORDAN.

DEDIMUS POTESTATEM

The Honorable John Penn, Esquire, Lieutenant Governor and Commander in Chief of the Province of Pennsylvania and Counties of New Castle, Kent and Sussex on Delaware To John Fraser, Bernard Dougherty and Arthur St. Clair of the County of Bedford, Esquires, GREETING. Reposing special trust and confidence in your Loyalty and Integrity I have authorized, impowered and by these presents do authorize and empower the said John Fraser, Bernard Dougherty and Arthur St. Clair or either of you to administer to all Judges, Justices, Sheriffs and all other officers civil and military and all other persons whatsoever within the said County of Bedford as well the oath of office as also the oath of allegiance and supremacy and other the usual declarations, tests and qualifications required by law to be taken by the said several officers civil and military to qualify them every or any of them for the entering upon and executing their several and respective offices to which they are or shall be commissioned or any other occasion may make it requisite and proper to tender or administer the said several oaths, tests and qualifications or any of them to such.

officers and other persons until my pleasure shall be further known therein.

Given under my hand and seal at Philadelphia the Twelfth day of March in the Year of Our Lord one thousand seven hundred and seventy one.

Recorded 30th. March 1771.

JOHN PENN.

Recorded in Quarter Sessions Docket No. 1, page 1.

OATH OF OFFICE AND ALLEGIANCE UNDER KING GEORGE THE THIRD

I do sincerely promise and swear that I will be faithful and bear true allegiance to his Majesty George the Third.

So help me God.

I do swear that I do from my heart abhor, detest and abjure as impious and heretical that damnable Doctrine and Position that Princes excommunicated and deprived by the Pope or any authority of the See of Rome may be deposed or murdered by their subjects or any other whomsoever, and I do declare that no foreign Prince, Person, Prelate, State or Potentate hath or ought to have any jurisdiction. Power, Superiority, Preeminence or authority Ecclesiastical or Spiritual within this Realm.

So help me God.

I do declare that I believe that there is not any transubstantiation in the Sacrament of the Lord's Supper or in the elements of Bread and Wine after the consecration thereof by any person or persons whatsoever.

I do truly and sincerely acknowledge, profess, testify and declare in my conscience before God and the world that our Sovereign Lord King George the Third is lawful and rightful King of this realm and other his Majesty's dominions thereunto belonging, and I do solemnly and sincerely

declare that I do believe in my conscience that not any of the descendants of the person pretended to be the Prince of Wales during the life of the late King James the Second and since his death pretending to be and took upon himself the Style and Title of King of England by the name of James the Third and of Scotland by the name of James the Eighth or the Style or Title of King of Great Britain hath any right or title whatsoever to the Crown of this Realm or any other the dominions thereunto belonging, and I do renounce, refuse and abjure allegiance or obedience to them, and I do swear that I will bear faith and true allegiance to his Majesty King George the Third and him will defend to the utmost of my power against all traitors, conspiracies and attempts whatsoever which shall be named against his person, Crown and Dignity and I will do my endeavor to disclose and make known to his Majesty and his successors all treason and traitorous conspiracies which I shall know to be against him or any of them, and I do faithfully promise to the utmost of my power to support, maintain and defend the succession of the crown against the descendants of the said James and against all other persons whatsoever which succession by an Act entitled an Act for the further limitation of the Crown and better securing the rights and liberties of the subject is and stands limited to the Princes Sophia late electress and Duchess Dowager of Hanover and the heirs of her body being Protestants and all these things I do plainly and sincerely acknowledge and swear according to the express words by me spoken and according to the plain and common sense and understanding of the same words without any equivocation, mental reservation or secret evasion whatsoever, and I do make this recognition, acknowledgment, abjuration, renunciation and promise heartily willingly and truly upon the true faith of a Christian.

So help me God.

BERNARD DOUGHERTY.

By virtue of a *dedimus potestatem* to me directed the foregoing oaths together with the oath of office were by me administered to Bernard Dougherty, Esquire, one of the Justices, &c. for the County of Bedford this 29th, of March 1771.

AR. (ARTHUR) ST. CLAIR.

Recorded in Quarter Sessions Docket No. 1, page 3.

OATH OF OFFICE UNDER THE COMMONWEALTH OF
PENNSYLVANIA

I, do swear that I renounce and refuse all allegiance to George the Third, King of Great Britain, his heirs and successors and that I will be faithful and bear true allegiance to the Commonwealth of Pennsylvania as a free and independent State; and that I will not at any time do, or cause to be done, any matter or thing that will be prejudicial or injurious to the freedom and independence thereof as declared by Congress, and also that I will discover and make known to some one Justice of the Peace of the said State, all treason or traitorous conspiracies, which I now know or hereafter shall know to be formed against this or any of the United States of America.

So help me God.

September 1777. Robert Galbreath and James Martin, being by a commission from His Excellency Thomas Wharton Jr. Esq. Presd't. of the Supreme Executive Council of the Commonwealth of Pennsylvania, appointed two of the Justices of the Peace and of the County Court of Common Pleas &c. dated the 11th. day of September 1777 for the County of Bedford took the oath of Office before

GEORGE BRYAN, Esq.

Vice President.

Recorded in Quarter Sessions Docket No. 1, page 15.

RECORDS OF CONVICTIONS AND SENTENCES IMPOSED IN
THE QUARTER SESSIONS COURTS

JANUARY SESSIONS 1775

The King	:	Larceny. A true Bill and De-
v.	:	fendant being arraigned, plead
Alexander Miller	:	Not Guilty and Andrew Allen,
and Richard Shee.	:	who for our Lord the King fol-
		lows in like manner and a jury of
		the Country being returned and
		sworn, viz: Charles Cessna,
		Thomas Jones, William Eckler,
		David Irwin, Carper Davelgaugh,
		Rynhart Wolf, Adam Sam, Jacob
		Sailor, William McCall, David
		Rynhart, John Cessna and James
		Milligan, who say that the de-
		fendants are guilty in manner and
		form as they are charged in the
		indictment.

Whereupon it is considered by the Court that the defendants replace the watch by them stolen to the owner James Williams, or pay him the value thereof being six pounds and ten shillings, lawful money of Pennsylvania, that they pay the like sum of six pounds and ten shillings to the Governor of the Province for the support of Government and that they be taken to the Public Whipping Post in the Town of Bedford on Friday next being the twentieth Instant between the Hours of one and two in the afternoon of the same Day and that the said Richard Shee then and there receive five stripes on his bare back well laid on and that the said Alexander Miller then and there receive twenty one stripes on his bare back well laid on that they pay the costs of these proceedings and that they be committed until this judgment is complied with.

JANUARY SESSIONS 1776

The King : Larceny. A True Bill. The de-
 v. : fendants being arraigned plead
 Nicholas Fitzsimons : not guilty in manner and form as
 and James Reeves. : they stand indicted and of this
 they put themselves upon the
 Country. And Andrew Allen
 Esquire who for our Sovereign
 Lord the King follows in like
 manner and a Jury of the Coun-
 try being returned on a pannel to
 a Writ of Venire Facias directed
 to the Sheriff of the County of
 Bedford annexed the following
 persons therein named being called
 and sworn, viz: Thomas Ury,
 James Patterson, John Miller,
 Samuel Moore, William Mc-
 Comb, James Beaty, Joseph Mor-
 rison, Samuel Drennin, Thomas
 Johnson, Charles Ruby, Edward
 Rose and Rynehart Wolf, who
 say that the defendants are guilty
 in manner and form as they stand
 indicted.

Whereupon it is considered by the Court and ordered
 that they restore the goods stolen or the value thereof, viz:
 fifty shillings and that they pay a fine of fifty shillings to
 his Honor the Governor of this Province for the support
 of the Government thereof that the said Nicholas Fitz-
 simons receive twenty-one lashes on his bare back well laid
 on and that the said James Reeves receive five lashes on his
 bare back well laid on to-morrow morning between the
 hours of ten and twelve and that they respectively stand
 committed till this judgment is complied with.

JANUARY SESSIONS 1776

The King : Larceny. A true bill, the defend-
 v. : ant being arraigned pleads not
 John McNaullay : guilty in manner and form as he
 stands indicted and of this he puts
 himself upon the Country, and
 Andrew Allen, Esquire who for
 our Sovereign Lord the King in
 like manner and a jury of the
 Country being returned on a pan-
 nel annexed to a Writ of Venire
 Facias to the Sheriff of the
 County aforesaid directed the fol-
 lowing persons therein named be-
 ing called elected and sworn viz:
 Thomas Urie, James Patterson,
 John Miller, Samuel Moors, Wil-
 liam McComb, James Beaty, Jo-
 seph Morrison, Samuel Drennin,
 Thomas Johnston, Charles Ruby,
 Edward Rose and Rynhart Wolf
 say that the defendant is guilty of
 the Larceny in manner and form
 as he stands indicted.

Whereupon it is considered that he restore the goods mentioned in the indictment to the owner or the value thereof being four pounds and ten shillings lawful money of Pennsylvania that he pay a fine of four pounds and ten shillings to his Honour the Governor of this Province for the support of the Government thereof that he receive fifteen lashes on his bare back well laid on to-morrow between the hours of ten and twelve in the morning, that he pay the costs of this prosecution and that he stand committed till this judgment is complied with.

APRIL SESSIONS 1778

The Commonwealth : Felony. Indictment. True Bill.
 v. : The defendant being called and
 John Young. : charged plead not guilty and for
 tryal puts himself upon his Country and Jonathan Serjant, Esq.,
 who for the Commonwealth in like manner. And now, to wit:
 this term the Sheriff returns to wit: James Anderson, John Crissman,
 James Patterson, Christopher Miller, Benjamin Jolley,
 Earnest Baker, Giddian Ritchey, Edward Rose, Henderson Murphey,
 George Funk, Samuel McCashlan, jr. and John Wilt,
 who find the defendant guilty.

Judgm't. that on the 20th of June next John Young receive 7 lashes, that he restore the goods stolen or the value thereof and a fine of like value to the Governor and costs of suit and stand committed, &c.

Pennsylvania : October Sessions, 1782.
 vs. : Indictment for Horse Stealing.
 Daniel Palmer. :

And now, a jury being called, same to wit: Hugh Barclay, Daniel Rhodes, John Johnston, John Graham, Dickey Berkshire, Robert Wadsworth, Thomas Canovey, George Elder, Shadwick Casteel, Joshua Davis, Samuel Shimer and Robert Gibson, who being duly sworn and affirmed do say that they find the defendant guilty in manner and form as he stands indicted.

It is thereupon considered by the Court that the said Daniel Palmer shall be taken to-morrow morning to the

public whipping post and between the hours of eight and ten of the clock shall receive thirty-nine lashes to be well laid on his bare back and that immediately afterwards the said Daniel Palmer shall be placed in the pillory where he shall stand for one hour and have his ears cut off and nailed to the pillory and shall forfeit to the Commonwealth the sum of fifteen pounds, being the value of the goods of Ludowick Friedline of which the said Daniel Palmer is convicted of stealing and shall pay the costs attending the prosecution and be committed until the whole of this sentence is complied with.

EXCERPTS FROM THE DEED FROM THE SIX INDIAN
NATIONS TO GARRET PENDERGRASS DATED—FEB-
RUARY, 1770

Know all men by these presents that, Whereas, a certain Garret Pendergrass, Sr., of Bedford Settlement in the Province of Pennsylvania and County of Cumberland was settled some number of years past by leave of the Chiefs or Deputies of the Six Nations of Indians on a tract of land where Bedford is now situated while the said land was yet the property of us and our said Chiefs and Deputies said Pendergrass being dispossessed of the said land in time of the war between the French and English and before said Pendergrass could safely return to live on the said land it was entered upon by people who have from time to time and yet continue to keep said Pendergrass from the enjoyment of the said tract of land, said Pendergrass at the last Treaty held at Fort Pitt with the representatives of the said Six Nations informed our said Chiefs or their representatives or Deputies that he was deprived of the above tract of land as above mentioned, whereupon us and our said Deputies did then at the said Treaty give him the said Pendergrass our leave in writing under our hands to settle

on the tract of land called the Long Beach near the mouth of Youghyagain but the said last mentioned tract being at the time of the said Treaty or before it improved by some other person or persons contrary to our intention for which reason he the said Pendergrass has not obtained possession of the latter mentioned tract and cannot *quiatly* enjoy nither of the two above mentioned tracts.

Know ye therefore that we the under or within bound subscribers who have hereunto caused our names to be set and have put our marks, the first of us signing being one of the Chiefs and the other two deputys of the said Six Nations, do give and grant to the said Garret Pendergrass his heirs and trustees forever our full leave and liberty of us for and in behalf of the said Six Nations to settle on a tract of land on the north side of the Aligaina River *opposite* to Fort Pitt to *joyn* the said river on the one side and to extend one mile and a half from the landing on the north side of the said Aligaina River opposite to Fort Pitt in form of a Cemi-circle from said landing hereby granting to him and his heirs, trustees and assigns full liberty to build houses, make improvements and cultivate the said land or any part thereof, &c.

Signed and agreed to before James Elliot and Garret Pendergrass, Jr.

SIGNED

Anonguit.



Enishshera or Capt'n. Henry Mountare, H. M.

Connehraca hecat or the white Mingo.



ACKNOWLEDGEMENT

Bedford, SS: Came before me the subscriber, one of his Majestie's Justices of the Peace for said County the within named Indians, viz: Anonguit, Enishshera or Capt. Henry Mintare, Connehraca hécat or the White Mingo and acknowledged the within instrument of writing or bill of sale to be their act and deed and desired the same might be recorded as such. Given under my hand and seal in the month of February in the year of our Lord 1770.

JAMES ELLIOTT.

Recorded, September 19, 1772, by Ar. St. Clair,
Recorder, in Deed Book "A" pages 29 & 30.

LIST OF MEMBERS REGISTERING AT BEDFORD SPRINGS, 1911, BY COUNTIES

ALLEGHENY COUNTY

AMMON, SAMUEL A.	Pittsburgh.
BLAKELEY, W. A.	"
BROWN, THOMAS STEPHEN.	"
CALVERT, G. H.	"
CAMPBELL, GEORGE J.	"
CARPENTER, J. McF.	"
CHALFANT, JOHN W.	"
COHEN, JOSIAH	"
FISHER, GORDON	"
FRAZER, ROBERT S.	"
GILLESPIE, CHARLES D.	"
GRAY, JAMES H.	"
HAWKINS, R. H.	"
KAHLE, FREDERICK L.	"
KENNY, CHARLES B.	"
KERR, ALLEN H.	"
LEWIS, G. C.	"
MACFARLANE, JAMES R.	"
MCGIRR, F. C.	"
McKENNA, E. J.	"
MILLER, F. W.	"
MILLER, J. J.	"
NEWLIN, W. E.	"
PORTER, W. D.	"
SCULL, EDWARD B.	"
SEYMOUR, W. I.	"
SHAFFER, JOHN D.	"
SMITH, EDWIN W.	"
SMITH, EDWIN Z.	"
SWEARINGEN, JOSEPH M.	"
THORP, CHARLES M.	"
WAY, W. A.	"
WEIL, A. LEO	"

ARMSTRONG COUNTY

PAINTER, J. H.	Kittanning.
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BEAVER COUNTY

DARRAGH, ROBERT W.....Beaver.

BEDFORD COUNTY

JORDON, JOHN H.....Bedford.

LITTLE, ALVIN L. " "

REILLY, DONALD CRESS " "

BERKS COUNTY

DAMPMAN, JOHN B.....Reading.

DERR, CYRUS G. " "

ENDLICH, G. A. " "

RUHL, C. H. " "

SCHAEFFER, E. CARROLL " "

BLAIR COUNTY

GREEVY, THOMAS H.....Altoona.

HENDERSON, R. A. " "

McCULLOUGH, C. J. " "

SCHEELINE, I. " "

SULLIVAN, J. AUSTIN " "

SULLIVAN, J. F. " "

BUCKS COUNTY

SHOEMAKER, HARRY J.....Doylestown.

CAMBRIA COUNTY

LITTLE, P. J.....Ebensburg.

O'CONNOR, FRANCIS J.....Johnstown.

CENTRE COUNTY

KELLER, HARRY.....Bellefonte.

WALKER, W. HARRISON " "

CHESTER COUNTY

CORNWELL, R. T.....West Chester.

GILKYSON, H. H.....Phoenixville.

HAYES, WILLIAM M.....West Chester.

HOLDING, A. M. " "

REID, ALFRED P. " "

CLEARFIELD COUNTY

SWOOP, ROLAND D. Curwensville.

CUMBERLAND COUNTY

BASEHORE, SAMUEL E. Mechanicsburg.
 BIDDLE, EDWARD W. Carlisle.
 LLOYD, GEORGE E. Mechanicsburg.
 LLOYD, WILLIAM PENN. "
 WETZEL, J. W. Carlisle.

DAUPHIN COUNTY

DULL, CASPER Harrisburg.
 KUNKEL, PAUL A. "
 LAMBERTON, JAMES M. "
 SNODGRASS, ROBERT "

DELAWARE COUNTY

HALL, E. H. Media.
 MACDADE, ALBERT DUTTON Chester.
 SCHAFER, W. I. "

ERIE COUNTY

BROOKS, JOHN B. Erie.
 WHITTELSEY, E. L. "

FAYETTE COUNTY

ADAMS, J. B. Uniontown.
 CORE, JOHN M. "
 EWING, NATHANIEL "
 HAGAN, A. C. "
 HOPWOOD, R. F. "
 PLAYFORD, R. W. "
 STURGIS, W. J. "
 UMBEL, R. E. "

FRANKLIN COUNTY

DAVISON, WATSON R. Waynesboro.
 ELDER, IRVING C. Chambersburg.
 GILLAN, W. RUSH "
 STRITE, J. A. "

GREENE COUNTY

KYLE, W. J. Waynesburg.

HUNTINGDON COUNTY

BAILEY, THOMAS F. Huntingdon.
DORRIS, JOHN D.“

INDIANA COUNTY

BANKS, J. N. Indiana.

LACKAWANNA COUNTY

HARRIS, JOHN M. Scranton.

LANCASTER COUNTY

BAKER, CHARLES G. Lancaster.
ESHLEMAN, GEORGE ROSS“
ESHLEMAN, H. FRANK“
HAGER, CHARLES F.“
HASSLER, A. B.“
HENSEL, W. U.“
NAUMAN, JOHN A.“
NORTH, H. M., JR. Columbia.
SMITH, EUGENE G. Lancaster.
ZIMMERMAN, S. R.“

LEBANON COUNTY

MEYERS, SAMUEL T. Lebanon.

LUZERNE COUNTY

BEDFORD, GEORGE R. Wilkes-Barre.
KULP, GEORGE B.“
STRAUSS, S. J.“
WOODWARD, J. B.“

LYCOMING COUNTY

EDWARDS, N. M. Williamsport.
MUNSON, C. LA RUE.“

NORTHAMPTON COUNTY

FOX, EDWARD J. Easton.
 STEWART, R. C. "

NORTHUMBERLAND COUNTY

RYON, WILLIAM W. Shamokin.

PHILADELPHIA COUNTY

ABBOTT, EDWIN M. Philadelphia.
 ALEXANDER, LUCIEN HUGH "
 CARR, GEORGE WENTWORTH "
 CARSON, HAMPTON L. "
 CARVER, CHARLES "
 COLAHAN, J. B., JR. "
 FENSTERMAKER, T. A. "
 FISHER, WILLIAM RIGHTER "
 GEST, JOHN MARSHALL "
 GOOD, D. CLARE "
 GUMMEY, C. F. "
 KANE, FRANCIS FISHER "
 MONTGOMERY, WILLIAM MORGAN "
 MOSCHZISKER, ROBERT "
 NICHOLS, H. S. PRENTISS "
 PAGE, HOWARD W. "
 PARKINSON, THOMAS I. "
 PATTERSON, T. ELLIOTT "
 RIDGWAY, THOMAS "
 ROBINSON, V. GILPIN "
 SCOTT, SAMUEL B. "
 SHICK, R. P. "
 SIMPSON, ALEX., JR. "
 SMITH, WALTER GEORGE "
 STAAKE, WILLIAM H. "
 STRONG, JOHN M. "
 SUTTON, W. HENRY "
 TODD, M. HAMPTON "
 WAGNER, GEORGE M. "
 WETHERILL, CHARLES "
 WILLIAMS, J. HENRY "
 WILSON, W. C. "
 WOODWARD, GRAHAM C. "

SOMERSET COUNTY

COOPER, FRANK Wellersburg.
 KIERNAN, EDMUND E. Somerset.

UNION COUNTY

GLOVER, HORACE P. Mifflinburg.
 LEISER, ANDREW A. Lewisburg.
 McCLURE, H. M. "
 STEININGER, CLOYD "

VENANGO COUNTY

ASH, ISAAC Oil City.

WASHINGTON COUNTY

BROWNSON, JAMES I. Washington.
 HAZZARD, VERNON Monongahela.

WESTMORELAND COUNTY

GAITHER, PAUL H. Greensburg.
 McCONNELL, A. D. "
 ROBBINS, EDWARD E. "

YORK COUNTY

NILES, HENRY C. York.

HONORARY MEMBERS

Year of Admission		
1904	DAVIS, HENRY E.....	Washington, D. C.
1903	DILL, JAMES B.....	New Jersey.
1909	EATON, HON. AMASA M.....	Providence, R. I.
1895	FIERO, J. NEWTON.....	Albany, N. Y.
1898	FINDLAY, HON. JOHN V. L.....	Baltimore, Md.
1905	GARDINER, CHARLES A., 13 Park Row.....	New York, N. Y.
1907	GRAY, HON. GEORGE.....	Delaware.
1897	HERBERT, HON. HILARY A.....	Alabama.
1899	HORNBLOWER, HON. WM. B., 30 Broad St.....	New York, N. Y.
1902	HOWE, HON. WILLIAM WIRT.....	New Orleans, La.
1898	HOYT, HON. JAMES H.....	Cleveland, Ohio.
1911	MONTAGUE, HON. ANDREW J.	Virginia.
1896	PARKER, HON. CORTLANDT.....	Newark, N. J.
1910	PENNEWILL, HON. JAMES.....	Delaware.
1900	RICHARDS, HON. JOHN K.....	Ohio.
1901	ROSE, HON. U. M.....	Little Rock, Ark.
1906	TAFT, HON. WILLIAM H.....	Washington, D. C.
1908	TAYLOR, HON. HANNIS.....	Washington, D. C.
1900	WILLIAMS, TALCOTT, 916 Pine St.....	Philadelphia.

LIST OF MEMBERS BY COUNTIES

ADAMS COUNTY

1897	McSHERRY, WM. JR.....	Gettysburg.
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ALLEGHENY COUNTY

1900	ACHESON, M. W., JR.....	1927 Oliver Building,	Pittsburgh.
1906	AMMON, SAMUEL A.....	720 Frick Building,	"
1900	ANGNEY, ALLAN B.....	501 Fifth avenue,	"
1908	ARTHUR, EDMUND W.....	314 Frick Building,	"
1902	BALPH, ROWLAND A.....	Park Building,	"
1911	BARRON, ALEXANDER J.....	1015 Park Building,	"
1897	BEAL, J. H.....	450 Fourth avenue,	"
1898	BEATTY, SUZANNE S.....	1104 Frick Building,	"
1905	BENNER, THOMAS M.....	1010 Peoples Savings Bank Bldg.,	"
1900	BLAKELEY, W. A.....	1651 Frick Annex,	"
1911	BLAXTER, HENRY V.....	5723 Darlington Road,	"
1895	BRECK, E. Y.....	502 Times Building,	"
1902	BRENNEN, WILLIAM J.....	Fifth and Wylie avenues,	"
1895	BROWN, JOHN D.....	Maeder Building,	"
1895	BROWN, MARSHALL.....	P. O. Box 389,	"
1895	BROWN, THOMAS S.....	1101 Berger Building,	"

Year of Admission	ALLEGHENY COUNTY—continued	
1895	BURGWIN, AUGUSTUS P....Penna. Co.,	Pittsburgh.
1895	BURGWIN, GEORGE C.....434 Diamond street,	"
1900	BURLEIGH, CLARENCE.....St. Nicholas Building,	"
1902	CALVERT, GEORGE H.....1227 Oliver Building,	"
1909	CAMPBELL, GEORGE J.....	Bellevue.
1896	CARPENTER, J. McF.....1565 Frick Building Annex,	Pittsburgh.
1896	CHALFANT, GEORGE N.....1565 Frick Building Annex,	"
1908	CHALFANT, JOHN W.....7th floor, 341 Fourth avenue,	"
1908	CHALLENGER, W. A.....	"
1896	CHANTLER, THOMAS D.....Park Building,	"
1911	COHEN, JOSIAH Court House,	"
1895	CRAIG, EDWIN S.....450 Fourth avenue,	"
1902	CRAWFORD, CHARLES S.....1308 Berger Building,	"
1897	CRUMRINE, BOYD.....501 Berger Building,	"
1909	CUNNINGHAM, JESSE E. B..1227 Oliver Building,	"
1900	DAHLINGER, CHARLES W...518 Fourth avenue,	"
1895	DALZELL, JOHN.....170 Fourth avenue,	"
1898	DALZELL, WILLIAM S.....450 Fourth avenue,	"
1900	DOUGLASS, E. P.....	McKeesport.
1911	DOUGLASS, HOWARD W. 1120 Frick Building,	Pittsburgh.
1902	DUFF, JOHN BOYD.....2002 Commonwealth Bldg.,	"
1895	EVANS, JOHN A.....170 Fourth avenue,	"
1905	EVANS, WILLIAM D.....509 Times Building,	"
1904	EWING, THOMAS.....Frick Building,	"
1897	FAGAN, CHARLES A.....518 Fourth avenue,	"
1911	FIFE, JOSEPH P.	"
1907	FISHER, GORDON.....450 Fourth avenue,	"
1902	FLETCHER, J. GILMORE 55 Water street,	"
1900	FLOWERS, GEORGE W.....Frick Building,	"
1907	FORD, THOMAS J.....Allegheny County Court House,	"
1895	FRAZER, ROBERT S.....1100 Shady ave., East End,	"
1902	GILFILLAN, ALEXANDER....602 Frick Building,	"
1898	GILLESPIE, CHARLES D....424 Diamond street,	"
1895	GORDON, GEORGE B.....1556 Frick Building,	"
1911	GRAY, JAMES C.	"
1911	GRAY, JAMES H.....461 Frick Annex,	"
1897	GRIFFITH, WILLIAM A....1015 Park Building,	"
1895	GUTHRIE, GEORGE W....434 Diamond street,	"
1898	GUTHRIE, WALTER J.....1862 Frick Building Annex,	"
1895	HALL, WILLIAM M., JR....730 Oliver Building,	"
1899	HARRISON, J. HARVEY....1006 Berger Building,	"
1906	HAWKINS, RICHARD H....450 Fourth avenue,	"
1900	HAYS, EDWARD F.....1515 Berger Building,	"
1899	HUNTER, JOHN P.....14th floor, Berger Building,	"
1895	IMBRIE, A. M.....434 Diamond street,	"

Year of Admission	ALLEGHENY COUNTY—continued		
1900	JENNINGS, W. K.....	1053 Frick Building Annex,	Pittsburgh.
1906	JONES, CHARLES WARING...	Frick Building,	"
1903	KAHLE, FREDERICK L.....	202 Bakewell Law Building,	"
1895	KENNEDY, JOHN M.....	Frick Building Annex,	"
1895	KENNY, CHARLES B.....	1059 Frick Annex,	"
1911	KERR, ALLEN HUMPHREYS..		"
1900	KINNEAR, JAMES W.....	Oliver Building,	"
1895	KNOX, P. C.....	1527 K street, N. W.,	Washington, D. C.
1898	LAZEAR, JESSE T.....	St. Nicholas Building,	Pittsburgh.
1897	LAZEAR, THOMAS C.....	"	"
1906	LEWIS, GEORGE C.....	Frick Building,	"
1895	LYON, WALTER	14th floor, Berger Building,	"
1895	MACFARLANE, JAMES R....	434 Diamond street,	"
1896	MACRUM, WILLIAM.....	413 Fourth avenue,	"
1902	MARRON, JOHN.....	919 Frick Building,	"
1895	MCCLAY, SAMUEL.....	98 Diamond street,	"
1911	McCLOSKEY, THOMAS D....	1544 Oliver Building,	"
1895	McCLUNG, S. A.....	1180 Murray Hill avenue,	"
1911	McCLUNG, SAMUEL A., JR.	1116 Park Building,	"
1895	McCLUNG, WILLIAM H....	1116 Park Building,	"
1908	McCREERY, J. R.....	424 Frick Building,	"
1903	McELROY, ROBERT T.	Frick Building Annex,	"
1895	McGIRR, FRANK C.....	919 Frick Building,	"
1897	McKEE, CHARLES H.....	1015 Park Building,	"
1897	McKELVY, J. E.....	450 Fourth avenue,	"
1895	McKENNA, CHARLES F....	702 Frick Building,	"
1911	McKENNA, EDWARD JR. ...	702 Frick Building,	"
1895	McKENNAN, JOHN D.....	440 Diamond street,	"
1902	MEHARD, S. S.....	1014 Frick Building,	"
1900	MILLER, D. M.....	Berger Building,	"
1907	MILLER, FREDERICK W....	Berger Building, Fourth avenue,	"
1896	MILLER, J. J.....	St. Nicholas Building,	"
1895	MINOR, WILLIAM E.....	1301 Berger Building,	"
1898	MITCHELL, H. WALTON...	1015 Park Building,	"
1900	MONRO, WILLIAM L.....	422 Fifth avenue,	"
1898	MURPHY, JOHN A.....	1410 Berger Building,	"
1896	NEEPER, A. M.....	1326 Oliver Building,	"
1911	NEWLIN, WILLIAM E.....		McKeesport.
1910	O'BRIEN, CHARLES A.....	711 Berger Building,	Pittsburgh.
1895	ORR, CHARLES P.....	Federal Building,	"
1895	OSBURN, FRANK C.....	134 Fifth avenue,	"
1902	PACKER, GIBSON D.....	Carnegie Building,	"
1895	PATTERSON, THOMAS.....	1759 Frick Building Annex,	"
1900	PETTY, ROBERT B.....	Berger Building,	"
1895	PLUMER, L. M.....	170 Fourth avenue,	"

Year of
Admission

ALLEGHENY COUNTY—continued

1895	PORTER, WILLIAM D.....	Hotel Schenley,	Pittsburgh.
1895	REED, JAMES H.....	Carnegie Building,	"
1906	REINEMAN, ROBERT T.....	Frick Building,	"
1896	ROBERTS, GEORGE L.....	215 Water street,	"
1911	ROBINSON, WILLIAM M.....	1027 Carnegie Building,	"
1896	RODGERS, W. B.....	424 Frick Building,	"
1908	ROSE, DON.		Sewickley, Pa.
1895	SCANDRETT, RICHARD B.....	1010 Peoples Savings Bank Bldg.,	Pittsburgh.
1895	SCHAFER, JOHN D.....	184 Fourth avenue,	"
1911	SCHULTZ, THOMAS S.....	403 Winebiddle avenue,	"
1896	SCULL, EDWARD B.....	St. Nicholas Building,	"
1911	SCULLY, CORNELIUS D.....	Farmers' Bank Building,	"
1908	SEYMOUR, WARREN I.....	1307 Farmers' Bank Building	"
1900	SHAFFER, NOAH W.....	902 Frick Building,	"
1896	SHAW, GEORGE E.....	Carnegie Building,	"
1895	SHIELDS, JAMES M.....	1167 Frick Building Annex,	"
1896	SHIRAS, W. K.....	434 Diamond street,	"
1895	SMITH, EDWIN W.....	Carnegie Building,	"
1895	SMITH, EDWIN Z.....	1939 Henry W. Oliver Building,	"
1895	STADTFELD, JOSEPH.....	1115 Frick Building,	"
1895	STERRETT, JAMES R.....	85 Diamond street,	"
1911	STONECIPHER, FRANK W....	606 Farmers' Bank Building,	"
1908	SUTTON, ROBERT WOODS	St. Nicholas Building,	"
1896	SWEARINGEN, JOSEPH M....	Court House,	"
1904	THOMPSON, A. M.....	728 Frick Building,	"
1900	THOMPSON, S. HARVEY.....	401 Grant street,	"
1896	THORP, CHARLES M.....	822 Frick Building,	"
1911	TINKER, H. G.....	434 Diamond street,	"
1896	TODD, HENRY C.....	Peoples Savings Bank Building,	"
1907	TRIMBLE, THOMAS P.....	3358 Perryville avenue, Allegheny City.	
1907	VAILL, EDWARD B.....	418 Berger Building,	Pittsburgh.
1905	WASSON, HENRY GRANT...		"
1895	WATSON, D. T.....	170 Fourth avenue.	"
1900	WATTERSON, A. V. D.....	Fidelity Building,	"
1896	WAY, WILLIAM A.....	Park Building,	"
1895	WEIL, A. LEO.....	822 Frick Building,	"
1910	WELLER, JOHN S.	Park Building,	"
1895	WISE, J. H.....	1301 Berger Building,	"
1905	WISHART, WILLIAM W....	434 Diamond street,	"
1895	YOUNG, JAMES S.....	98 Diamond street,	"

ARMSTRONG COUNTY

1898	PAINTER, JOHN H.....	Kittanning.
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Year of
Admission

BEAVER COUNTY

1903	DARRAGH, ROBERT W.....	Beaver.
1903	HICE, AGNEW.....	"
1906	HOLT, RICHARD S.....	"
1895	LAIRD, FRANK H.....	"
1903	McCONNEL, WILLIAM A.....	"
1895	MOORE, WINFIELD S.....	"
1906	MOORHEAD, FOREST G.....	"
1903	WEYAND, EDWIN S.....	"

BEDFORD COUNTY

1895	JORDAN, JOHN H.....	Bedford.
1901	LITTLE, ALVIN L.....	"
1909	REILEY, DONALD CRESS.....	"
1905	REYNOLDS, JOHN M.....	"

BERKS COUNTY

1895	BAER, GEORGE F.....	518 Washington street,	Reading.
1909	BERTOLET, WELLINGTON M..		"
1906	BLAND, H. WILLIS.....		"
1910	BUSHONG, ROBERT GREY ..		"
1908	DAMPMAN, JOHN B.....		"
1895	DERR, CYRUS G.....	542 Court street,	"
1909	DEYSHER, ELWOOD H.....		"
1909	DICKINSON, JOS. R.....		"
1910	DUMN, HARRY J.....		"
1896	ENDLICH, G. A.....	Court House,	"
1909	FISHER, J. WILMER.....		"
1909	FRAME, JOHN M.....		"
1909	FREED, WALTER B.....		"
1906	GRANT, JEREMIAH K.....		"
1909	HEINLY, HARVEY F.....	300 Baer Building,	"
1895	HIESTER, ISAAC.....	530 Washington street,	"
1898	JONES, RICHMOND L.....	528 Washington street,	"
1909	KANTNER, HARRY F.....		"
1906	KEISER, HENRY P.....		"
1909	KEPPELMAN, JOHN ARTHUR.		"
1909	KOCH, EARLE I.....		"
1909	LIVINGOOD, FRANK S.....		"
1896	MAUGER, DAVID F.....	526 Court street,	"
1895	RICHARDS, LOUIS.....	520 Washington street,	"
1906	ROURKE, WILLIAM J.....		"
1904	RUHL, CHRISTIAN H.....	534 Washington street,	"
1895	SCHAEFFER, D. NICHOLAS...	526 Washington street,	"

Year of
Admission

BERKS COUNTY—continued

Year of Admission		Reading.
1909	SCHAEFFER, E. CARROLL.....	
1909	SCHAEFFER, HARRY D.....	"
1909	SHOMO, WILLIAM ALFRED..	"
1909	SNYDER, THOS. IAEGER.....	"
1908	STAUFFER, RANDOLPH.....521 Court street,	"
1900	STEVENS, WILLIAM KERPER.536 Washington street,	"
1909	WAGNER, GEORGE W.....	"

BLAIR COUNTY

1897	BALDRIGE, THOMAS J.....	Hollidaysburg.
1895	CRAIG, J. H.....	Altoona.
1911	GREEVY, THOMAS H.....	"
1909	HARE, THOMAS C.....	"
1909	HEINSLING, H. T.....	"
1909	HENDERSON, ROBERT A.....	"
1911	McCULLOUGH, C. J.....	"
1895	MERVINE, NICHOLAS P.....	"
1909	SCHEELINE, ISAIAH.....	"
1909	SULLIVAN, J. AUSTIN.....	"

BRADFORD COUNTY

1895	CLEVELAND, EMERSON J.....	Canton.
1899	CODDING, JOHN W.....	Towanda.
1907	FANNING, ADELBERT C.....	"
1895	INGHAM, J. C.....	"
1895	MAXWELL, WILLIAM.....	"
1895	MERCUR, RODNEY A.....	"

BUCKS COUNTY

1901	EASTBURN, HUGH B.....	Doylestown.
1908	HARRIS, HENRY O.....	"
1901	JAMES, HENRY A.....	"
1904	JAMES, HOWARD I.....	Bristol.
1895	KEELER, E. WESLEY.....	Doylestown.
1910	KELLER, HIRAM H.....	"
1908	ROSS, GEORGE.....	"
1902	ROSS, THOMAS.....	"
1903	RYAN, WILLIAM C.....	"
1908	SHOEMAKER, HARRY J.....	"
1902	STOUT, MAHLON H.....	"
1905	SWARTLEY, JOHN C.....	"
1895	YERKES, HARMAN.....	"

Year of
Admission

BUTLER COUNTY

1897	BOWSER, S. F.....	Butler.
1897	WILLIAMS, ANDREW G.....	"

CAMBRIA COUNTY

1895	BARKER, AUGUSTINE V.....	Ebensburg.
1895	ENDSLEY, HARRY S.....	Johnstown.
1911	GREER, CHARLES C.....	"
1896	LITTLE, P. J.....	Ebensburg.
1895	MURPHY, ROBERT S.....	Johnstown.
1895	MYERS, H. H.....	Ebensburg.
1895	O'CONNOR, FRANCIS J.....	Johnstown.
1905	O'CONNOR, JAMES B.....	"
1895	ROSE, WILLIAM HORACE.....	"
1910	WOLFE, GEORGE E.	"

CAMERON COUNTY

1896	GREEN, B. W.....	Emporium.
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CARBON COUNTY

1895	BARBER, LAIRD H.....	Mauch Chunk.
1895	BERTOLETTE, FRED.....	"
1904	HEYDT, HORACE.....	"
1902	LOOSE, JACOB C.....	"
1895	MULHEARN, EDWARD M.....	"
1896	SHARKEY, FRANK P.....	"

CENTRE COUNTY

1895	BEAVER, JAMES A.....	Bellefonte.
1895	BLANCHARD, JOHN.....	"
1895	KELLER, HARRY.....	"
1895	ORVIS, ELLIS L.....	"
1907	WALKER, W. HARRISON.....	"

CHESTER COUNTY

1896	BUTLER, WILLIAM, JR.....	West Chester.
1895	CORNWELL, GIBBONS GRAY.....	"
1895	CORNWELL, ROBERT T.....	"
1910	GAWTHROP, ROBERT S.	"
1895	GHEEN, JOHN J.....	"
1895	GILKYSON, H. H.....	Phoenixville.
1911	GREENWOOD, WALTER E.....	Coatesville.
1895	HAUSE, J. FRANK E.....	West Chester.
1909	HAVILAND, JOHN, JR.....	Phoenixville.

Year of
Admission

CHESTER COUNTY—continued

1895	HAYES, WILLIAM M.....	West Chester.
1896	HEMPHILL, JOSEPH	"
1895	HOLDING, ARCHIE McC.....	"
1895	RAMSEY, SAMUEL D.....	"
1896	REID, ALFRED P.....	"
1910	REID, ARTHUR P.	"
1910	TALBOT, WALTER S.	"

CLARION COUNTY

1903	HINDMAN, WILLIAM A.....	Clarion.
1896	MAFFETT, JAMES T.....	"
1902	WILSON, HARRY R.....	"

CLEARFIELD COUNTY

1895	SMITH, ALLISON O.....	Clearfield.
1897	SNYDER, J. FRANK.....	25 Broad street, New York, N. Y.
1903	SWOOPF, ROLAND D.....	Curwensville.

CLINTON COUNTY

1896	HIPPLE, T. C.....	Lock Haven
1895	KRESS, WILSON C.....	"

COLUMBIA COUNTY

1895	FREEZE, JOHN G.....	Bloomsburg.
1895	McKILLIP, H. A.....	"
1895	SMALL, CHRISTIAN A.....	"

CRAWFORD COUNTY

1905	FLOOD, NED ARDEN.....	Meadville.
1907	HENDERSON, JOHN J.....	"
1895	KOHLER, OTTO.....	"
1908	SCHWARTZ, SYDNEY A.....	Titusville.

CUMBERLAND COUNTY

1895	ADDAMS, CHARLES P.....	Carlisle.
1902	BASEHORE, SAMUEL E.....	Mechanicsburg.
1902	BASHORE, CHESTER C.....	Carlisle.
1895	BIDDLE, EDWARD W.....	"
1897	HAMBLETON, CONRAD.....	"
1895	HENDERSON, J. WEBSTER.....	"
1910	IRVING, ROBERT W.....	"
1899	KAST, IDA G.....	Mechanicsburg.
1911	LLOYD, GEORGE E.....	"

Year of
Admission

CUMBERLAND COUNTY—continued

1906	McKEEHAN, JOSEPH P.....	Carlisle.
1907	OMWAKE, J. S.....	Shippensburg.
1910	RHEY, JOHN M.....	Carlisle.
1897	RUPLEY, ARTHUR R.....	"
1895	SMEAD, A. D. BACHE.....	"
1895	TRICKETT, WILLIAM.....	"
1895	WETZEL, JOHN W.....	"

DAUPHIN COUNTY

1895	BACKENSTOE, CLAYTON H..14 N. Third street,	Harrisburg.
1895	BAILEY, CHARLES L., JR....16 N. Second street,	"
1907	BARNETT, GEORGE R.....	"
1896	BERGNER, CHARLES H.....4 N. Third street,	"
1895	BOWMAN, SIMON S.....	Millersburg.
1900	BRADY, JOHN T.....18 N. Third street,	Harrisburg.
1895	CARE, R. SHERMAN.....409 Market street,	"
1895	DULL, CASPER.....26 N. Third street,	"
1906	EASTMAN, FRANK M.....211 Locust street,	"
1895	FOX, JOHN E.....1 N. Market square,	"
1895	GILBERT, LYMAN D.....4 N. Third street,	"
1904	HAIN, WILLIAM M.....2 S. Second street,	"
1895	HARGEST, THOMAS S.....222 Market street,	"
1895	HARGEST, WILLIAM M.....	"
1895	JACOBS, MICHAEL WM.....	"
1903	KUNKEL, PAUL A.....2 N. Court street,	"
1895	LAMBERTON, JAMES M.....216 Market street,	"
1895	McCARRELL, SAMUEL J. M.16 N. Market square,	"
1895	McCORMICK, HENRY B.....223 Market street,	"
1895	McPHERSON, JOHN B. U. S. District Court,	Philadelphia.
1895	MEYERS, WILLIAM K.....16 N. Second street,	Harrisburg
1901	MIDDLETON, WILLIAM H...204 Market street,	"
1895	MITCHELL, EHRMAN B....16 N. Second street,	"
1895	NISSLEY, JOHN C.....31 N. Second street,	"
1895	OLMSTED, MARLIN E.....5 N. Third street,	"
1895	OTT, FREDERICK M.....222 Market street,	"
1895	PATTERSON, JOHN E.....	"
1900	SEITZ, DANIEL S.....	"
1895	SHOEMAKER, HOMER.....9 N. Third street,	"
1895	SHOPP, JOHN H.....4 N. Third street,	"
1908	SNODGRASS, FRANK P.....17 N. Third street,	"
1895	SNODGRASS, ROBERT.....	"
1895	SNYDER, EUGENE.....10 N. Third street,	"
1895	STAMM, A. CARSON.....5 N. Third street,	"

Year of
Admission

DAUPHIN COUNTY—continued

1904	STROH, CHARLES C.....	222 Market street,	Harrisburg.
1900	WEISS, JOHN FOX.....	216 Market street,	"
1895	WICKERSHAM, FRANK B....	6½ N. Second street,	"
1908	ZIEGLER, FRANK E.....	18 N. Third street,	"

DELAWARE COUNTY

1904	BROOMALL, JOHN M.....	Media.
1908	BUTLER, GEORGE T.....	"
1902	COCHRAN, A. A.....	Chester.
1895	DARLINGTON, GEORGE E.....	Media.
1902	DICKINSON, O. B.....	Chester.
1902	FRONEFIELD, W. ROGER.....	Media.
1904	GEARY, A. B.....	Chester.
1911	GREEN, ERNEST LE ROY	Media.
1896	HALL, E. H.....	"
1908	HINKSON, JOS. H.....	Chester.
1902	MACDADE, A. D.....	"
1910	ROBINSON, J. ROHRMAN.....	Media.
1898	SCHAFER, WILLIAM I.....	Chester.

ELK COUNTY

1908	ELY, FRED. H.....	Ridgway.
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ERIE COUNTY

1900	BAKER, C. L.....	Erie.
1903	BROOKS, JOHN B.....	"
1900	CURTZE, H. J.....	726 State street,
1902	FISH, HENRY E.....	"
1900	GUNNISON, FRANK.....	"
1895	LAMB, THEODORE A.....	807 State street,
1902	RILLING, JOHN S.....	708 State street,
1895	ROSENZWEIG, L.....	8 South Park,
1907	SHREVE, MILTON W.....	"
1902	SISSON, A. E.....	722 State street,
1900	WALLING, EMORY A.....	"
1895	WHITTELEY, E. L.....	"

FAYETTE COUNTY

1907	ADAMS, JACOB B.....	Uniontown.
1903	BOYLE, JOHN.....	"
1905	CORE, JOHN McMULLAN.....	"
1895	EWING, NATHANIEL.....	"

Year of
Admission

FAYETTE COUNTY—continued

1901	HAGAN, A. C.....	Uniontown.
1895	HERTZOG, D. M.....	"
1895	HOPWOOD, R. F.....	"
1903	JOHNSON, WILLIAM J.....	"
1895	KEFOVER, CHARLES F.....	"
1895	LINDSEY, R. H.....	Richmond, Va.
1896	MESTREZAT, S. LESLIE.....	Uniontown.
1903	PLAYFORD, ROBERT W.....	"
1895	REPERT, E. H.....	"
1907	STURGEON, DANIEL.....	"
1911	STURGIS, WILLIAM J.....	"
1895	UMBEL, ROBERT E.....	"

FRANKLIN COUNTY

1895	ALEXANDER, WILLIAM.....	Chambersburg.
1895	BOWERS, O. C.....	"
1906	DAVISON, WATSON R.....	Waynesboro.
1902	ELDER, IRVIN CAMERON.....	Chambersburg.
1902	GILLAN, ARTHUR W.....	"
1895	GILLAN, W. RUSH.....	"
1909	HUTTON, A. J. WHITE.....	"
1895	OMWAKE, W. T.....	Waynesboro.
1895	ROWE, D. WATSON.....	Chambersburg.
1895	SHARPE, WALTER K.....	"
1896	STEWART, JOHN.....	"
1901	STRITE, J. A.....	"
1895	WALTER, CHARLES.....	"

FULTON COUNTY

1895	ALEXANDER, W. SCOTT.....	McConnellsburg.
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GREENE COUNTY

1911	KYLE, WILLIAM J.....	Waynesburg.
1911	SAYERS, ALBERT H.....	"
1895	SAYERS, JAMES E.....	"
1895	WALTON, DANIEL S.....	"

HUNTINGDON COUNTY

1905	BAILEY, THOMAS F.....	Huntingdon.
1905	DORRIS, JOHN D.....	"
1895	ORLADY, GEORGE B.....	"

Year of
Admission

INDIANA COUNTY

1897	BANKS, J. N.....	Indiana.
1902	CUNNINGHAM, SAMUEL.....	"
1895	ELKIN, JOHN P.....	"
1906	FISHER, JOHN S.....	"
1906	JACK, SUMMERS M.....	"
1906	LANGHAM, J. N.....	"
1906	TELFORD, S. J.....	"
1895	WHITE, HARRY.....	"

JEFFERSON COUNTY

1897	BLOOD, CYRUS H.....	Brookville.
1895	CLARK, B. M.....	Punxsutawney.
1902	CONRAD, W. N.....	Brookville.
1895	CORBET, CHARLES.....	"
1906	MCDONALD, GEORGE M.....	Reynoldsville.
1903	MURRAY, JAMES V.....	Brookville.
1896	REED, JOHN W.....	"
1897	WILSON, HENRY I.....	Big Run.

JUNIATA COUNTY

1905	McMEEN, ROBERT.....	Mifflintown.
1906	NEELY, J. HOWARD.....	"
1895	PENNELL, F. M. M.....	"

LACKAWANNA COUNTY

1896	ARCHBALD, R. W.....	Scranton.
1895	BURR, JAMES E.....	"
1898	DIMMICK, J. BENJAMIN.....	"
1896	EDWARDS, H. M.....	"
1899	FLEITZ, FREDERIC W.....	"
1898	HARRIS, JOHN M.....	"
1896	KNAPP, HENRY A.....	"
1895	PATTERSON, ROSWELL H.....	"
1895	PRICE, SAMUEL B.....	"
1903	SANDO, M. F.....	"
1902	SINN, JOSEPH A.....	1539 Monroe avenue,
1896	TORREY, JAMES H.....	"
1895	WARREN, EVERETT.....	"
1895	WATRES, LOUIS ARTHUR.....	"
1895	WELLES, CHARLES H.....	"
1895	WILCOX, WILLIAM A.....	"

Year of Admission	LANCASTER COUNTY	
1907	APPEL, JOHN W.....	Lancaster.
1903	APPEL, WILLIAM N.....	"
1904	ATLEE, BENJ. C.....	"
1911	BAKER, CHARLES G.....	"
1907	BERNTHEIZEL, CLEON N.....	Columbia.
1895	BROWN, J. HAY.....	Lancaster.
1908	COYLE, JOHN A.....	"
1898	EABY, C. REESE.....	"
1895	ESHLEMAN, G. ROSS.....	"
1906	ESHLEMAN, H. FRANK.....	"
1904	HAGER, CHARLES F.....	"
1907	HARNISH, MARTIN M.....	"
1900	HASSLER, A. B.....	"
1895	HENSEL, WILLIAM U.....	"
1895	HOLAHAN, THOMAS B.....	"
1901	KELLER, WILLIAM H.....	"
1911	KREADY, B. FRANK.....	"
1895	LANDIS, CHARLES I.....	"
1902	NAUMAN, JOHN A.....	"
1909	NORTH, HUGH M.....	"
1904	REILLY, RICHARD M.....	"
1901	SMITH, EUGENE G.....	"
1903	SNYDER, JOHN E.....	"
1911	ZIMMERMAN, S. R.....	"

LAWRENCE COUNTY

1897	AIKEN, ROBERT K.....	New Castle.
1901	DANA, RICHARD FALLS.....	"
1900	DANA, SAMUEL W.....	"
1901	FALLS, WALLACE H.....	"
1895	HAZEN, AARON L.....	"
1895	MARTIN, J. NORMAN.....	"
1897	WALLACE, WILLIAM D.....	"
1895	WINTERNITZ, B. A.....	"

LEBANON COUNTY

1910	HENRY, CHARLES V.....	Annaville.
1907	LIGHT, WARREN G.....	Lebanon.
1911	MEYER, SAMUEL T.....	"
1895	SHIRK, HOWARD C.....	"
1895	WEIDMAN, GRANT.....	"

Year of
Admission

LEHIGH COUNTY

1910	AUBREY, GEORGE W.	Allentown.
1895	DESHLER, JAMES B.	"
1907	HOTTENSTEIN, MARCUS S.	"
1899	JACOBS, FRANK.	"
1908	STUART, ROBERT L.	"
1899	TREXLER, FRANK M.	"

LUZERNE COUNTY

1899	ANDERSON, J. N.	Pittston.
1899	ANSART, FELIX.	Wilkes-Barre.
1899	ATHERTON, THOMAS H.	"
1895	BEDFORD, GEORGE R.	"
1898	DARLING, THOMAS.	"
1895	GARMAN, JOHN M.	Nanticoke.
1898	HAND, ISAAC P.	Wilkes-Barre.
1899	JENKINS, JOHN E.	"
1895	KULF, GEORGE B.	"
1895	LENAHAN, JOHN T.	"
1896	McCLINTOCK, ANDREW H.	"
1895	MINER, SIDNEY R.	"
1895	PALMER, H. W.	"
1896	RICE, CHARLES E.	"
1899	STRAUSS, S. J.	"
1901	WALLER, LEVI E.	"
1899	WILLIAMS, A. L.	"
1898	WOODWARD, J. B.	"
1899	WRIGHT, GEORGE R.	"

LYCOMING COUNTY

1895	AMES, HERBERT T.	Williamsport.
1895	CANDOR, ADDISON.	"
1906	CROCKER, WILLIAM D.	"
1897	DEEMER, WILLIAM RUSSELL.	"
1903	EDWARDS, NICHOLAS M.	"
1895	FREDERICKS, J. T.	"
1910	HAINES, WM. ELLIS.	"
1895	HART, WILLIAM W.	"
1910	LARRABEE, DON M.	"
1895	McCORMICK, SETH T.	"
1909	McCORMICK, SETH T., Jr.	"
1895	MUNSON, C. LA RUE.	"
1895	READING, JOHN G.	"
1895	SPROUT, CLARENCE E.	"
1898	WATSON, HENRY W.	"
1902	WATSON, JAMES C.	"
1897	WHITEHEAD, HARVEY W.	"

Year of
Admission

McKEAN COUNTY

1902	BOUTON, J. W.....	Smethport.
1902	GALLUP, FRED. D.....	"
1900	HUEY, ANDREW P.....	Kane.
1900	JACK, DAVID H.....	Bradford.
1910	MULLIN, J. E.....	Kane.
1900	SCHOONMAKER, FREDERIC P.....	Bradford.
1902	TAIT, EDWIN E.....	"

MERCER COUNTY

1895	GORDON, QUINCY A.....	Mercer.
1900	TEMPLETON, E. S.....	Greenville.

MIFFLIN COUNTY

1903	CULBERTSON, FRED. W.....	Lewistown.
1903	CULBERTSON, HORACE J.....	"
1895	WOODS, JOSEPH M.....	"

MONROE COUNTY

1898	KOTZ, HENRY J.....	Stroudsburg.
1898	PALMER, A. MITCHELL.....	"
1904	SHULL, S. E.....	"
1895	STAPLES, CHARLES B.....	"

MONTGOMERY COUNTY

1901	BROWNBACK, HENRY M.....	Norristown.
1908	CHILDS, LOUIS M.....	"
1898	DANNEHOWER, WILLIAM F.....	"
1901	EVANS, MILLER D.....	Pottstown.
1895	EVANS, MONTGOMERY.....	Norristown.
1898	FOX, GILBERT RODMAN.....	"
1904	FOX, HENRY I.....	"
1908	HALLMAN, ELWOOD L.....	"
1911	HALLMAN, THOMAS.....	Collegeville.
1908	JENKINS, J. P. HALE.....	Norristown.
1908	LARZELERE, JEREMIAH B.....	"
1898	LARZELERE, N. H.....	"
1910	McAVOY, CHARLES D.....	"
1906	MILLER, JOHN FABER.....	"
1907	PLACE, ALBERT R.....	Lansdale.
1898	SOILY, WILLIAM F.....	Norristown.
1899	SWARTZ, AARON S.....	"
1900	WANGER, IRVING P.....	"
1898	WEAND, HENRY K.....	"

Year of
Admission

NORTHAMPTON COUNTY

1895	FOX, EDWARD J.....	Easton.
1901	GOLDSMITH, AARON.....	"
1906	HOFFMAN, JOHN D.....	Bethlehem.
1910	KIRKPATRICK, WILLIAM H.	Easton.
1895	KIRKPATRICK, WILLIAM S.....	"
1898	MAXWELL, HENRY D.....	"
1897	NEVIN, D. W.....	"
1895	STEELE, H. J.....	"
1895	STEWART, RUSSELL C.....	"
1910	STOTZ, ROBERT A.....	"

NORTHUMBERLAND COUNTY

1908	AUTEN, VORIS	Mt. Carmel
1895	CLEMENT, CHARLES M.....	Sunbury.
1899	KNIGHT, HARRY S.....	"
1895	ORAM, W. H. M.....	Shamokin.
1896	RYON, WILLIAM W.....	"

PERRY COUNTY

1895	SEIBERT, WILLIAM N.....	New Bloomfield.
1895	SMILEY, CHARLES H.....	"

PHILADELPHIA COUNTY

1908	ABBOTT, EDWIN M.....	818 Land Title Building.
1910	ACKER, J. HENRY RADEY.....	1100 Penn Square Building.
1895	ADAMS, JOHN STOKES.....	460-464 Bullitt Building.
1900	ADLER, FRANCIS COPE.....	722 Bourse Building.
1899	ALCORN, JAMES.....	309-11 Harrison Building.
1902	ALEXANDER, BENJAMIN.....	925 Chestnut street.
1899	ALEXANDER, LUCIEN H.....	713 Arcade Building.
1902	AMRAM, DAVID W.....	1610 Real Estate Trust Building.
1899	ANDERSON, WILLIAM Y. C.....	929 Chestnut street.
1902	ARNOLD, ARTHUR S.....	438 Walnut street.
1895	AUDENREID, CHARLES Y.....	6331 Lancaster avenue.
1895	BALLARD, ELLIS AMES.....	1242-8 Land Title Building.
1895	BAMBERGER, ALBERT J.	Morris Building.
1895	BAMBERGER, LEONARD J.	"
1895	BARNES, J. HAMPTON	1601 Morris Building.
1897	BARRATT, NORRIS S.....	Room 461 City Hall.
1902	BARTLETT, CHARLES E.....	1634 Land Title Building.
1908	BAUERLE, ALBERT T.....	606 Commonwealth Building.
1908	BECK, JAMES M.....	52 Wall street, New York.

Year of
Admission

PHILADELPHIA COUNTY—continued

1899	BEDFORD, J. CLAUDE.....	914	Franklin Bank Building.
1895	BEEBER, DIMNER	705	Land Title Building.
1908	BEGGS, ROBERT A., JR.....	607	Provident Building.
1895	BEITLER, ABRAHAM M.....	750	Bullitt Building.
1905	BEITLER, HAROLD B.....	810	West End Trust Building.
1900	BELL, JOHN CROMWELL.....	1331-4	Land Title Building.
1895	BIDDLE, CHARLES	505	Chestnut street.
1904	BIKLE, HENRY WOLF.....	231	Broad Street Station.
1902	BOCKIUS, MORRIS R.....	934	Land Title Building.
1901	BODINE, W. B., JR.....	1438-48	Land Title Building.
1907	BOHLEN, FRANCIS H.....		Chestnut Hill.
1896	BONSALL, EDWARD H.....		Land Title Building.
1900	BORNEMAN, HENRY S.	801	Franklin Bank Building.
1899	BOWERS, LEE S.....	135	North Twelfth street.
1902	BOWKER, GEORGE C.....	801	Girard Building.
1895	BOWMAN, WENDELL P.....	414	Franklin Bank Building.
1895	BOYD, PETER	1319-23	North American Bldg.
1904	BOYER, HERBERT M.....	133	South Twelfth street.
1901	BRACKEN, FRANCIS B.....	1129	Land Title Building.
1909	BRANNAN, ROBERT.....	900	North Forty-second street.
1895	BREGY, LOUIS	700-05	Penn Square Building.
1903	BREITINGER, FRED. L.....	133	South Twelfth street.
1902	BREITINGER, J. L.....	714	Franklin Building.
1901	BRINTON, JOSEPH HILL.....	1302	Commonwealth Trust Bldg.
1902	BRINTON, SHARSWOOD	1601	Morris Building.
1902	BROMLEY, B. GORDON.....	701	Arcade Building.
1902	BROOKS, EDWARD, JR.....	643	Land Title Building.
1895	BROWN, FRANCIS SHUNK.....	1005	Morris Building.
1895	BROWN, HENRY P.....	1535	Land Title Building.
1895	BROWN, JOHN A.....	426	Library street.
1895	BROWN, JOHN DOUGLASS.....	460	Drexel Building.
1902	BROWN, REYNOLDS D.....	1404	Land Title Building.
1904	BROWN, WILLIAM ALEXANDER....	3937	Locust street.
1896	BROWN, WILLIAM FINDLAY.....	806	Pennsylvania Building.
1895	BUDD, HENRY.....	727	Walnut street.
1907	BUNTING, JOSEPH T.....	560	Drexel Building.
1895	BURNETT, WILLIAM H.....	400	Chestnut street.
1910	BUTLER, J. EDGAR	1524	Chestnut street.
1902	CADWALADER, JOHN, JR.....	263	South Fourth street.
1896	CADWALADER, RICHARD M.....	706	Franklin Building.
1896	CAMPBELL, JAMES D.....		Wyncote, Pa.
1904	CAMPBELL, JAMES F.....	133	South Twelfth street.
1901	CAMPBELL, JOHN M.....	215	South Sixth street.
1898	CARR, GEORGE W.	602	Bailey Building.
1896	CARR, WILLIAM WILKINS.....	600	Girard Building.

Year of
Admission

PHILADELPHIA COUNTY—continued

1895	CARSON, HAMPTON L.....	1336 Walnut street.
1909	CARVER, ALEXANDER HENRY.....	212 Stephen Girard Building.
1897	CARVER, CHARLES.....	"
1902	CASSEL, JOHN R.....	351 Drexel Building.
1895	CATTELL, HENRY S.....	1218 Chestnut street.
1902	CHAPMAN, S. SPENCER.....	1001 Chestnut street.
1895	CLAPP, B. FRANK.....	630 Land Title Building.
1904	CLARK, FREDERIC L.....	510 Penn Square Building.
1902	CODY, FRANK M.....	804-6 Betz Building.
1895	COLAHAN, JOHN B., JR.....	803 Mutual Life Building.
1900	CONARD, C. WILFRED.....	1118 Chestnut street.
1904	CONLEN, WILLIAM J.....	912 Penn Square Building.
1910	CONNOR, WILLIAM T.....	1403 Filbert street.
1899	COOPER, SAMUEL W.....	1200 Betz Building.
1902	COULSTON, CHARLES W.....	800-03 Betz Building.
1904	CROWLEY, JERE J.....	1012 Girard Trust Building.
1895	CUYLER, THOMAS DEWITT.....	701 Arcade Building.
1900	DA COSTA, CHARLES F.....	700 Bullitt Building.
1902	DALLETT, MORRIS.....	1107 Girard Building.
1902	DANIELS, BENJAMIN.....	502 Land Title Building.
1910	DANIELS, MAURICE V.....	"
1902	DAVIS, HOWARD A.....	514 Franklin Building.
1910	DAVIS, J. WARREN	1524 Chestnut street
1895	DECHERT, HENRY M.....	Commonwealth Trust Company.
1895	DECHERT, HENRY T.....	800 West End Trust Building.
1903	DEMMING, GEORGE.....	1112 Land Title Building.
1895	DEVELIN, JAMES AYLWARD.....	400 Chestnut street.
1901	DICKEY, JOHN, JR.....	804 Land Title Building.
1899	DICKSON, ARTHUR G.....	750 Bullitt Building.
1895	DICKSON, SAMUEL.....	"
1900	DIXON, EDWIN S.....	505 Chestnut street.
1901	DOUGHERTY, D. WEBSTER.....	741 Land Title Building.
1902	DOWNING, CHARLES H.....	1335 Arch street.
1896	DRAKE, FREDERICK S.....	300-06 Penn Square Building.
1905	DROVIN, GEORGE ALBERT.....	203-205 Franklin Building.
1895	DUANE, RUSSELL.....	1617-23 Land Title Building.
1905	DUBOIS, HENRY M.....	1001 Chestnut street.
1904	EDMONDS, FRANKLIN S.....	614 Franklin Building.
1902	EDMUNDS, CHARLES H.....	1304 Pennsylvania Building.
1902	EDMUNDS, HENRY R.....	520 Walnut street.
1904	EDWARDS, GEORGE J., JR.....	522 Stephen Girard Building.
1902	EGGLESTON, CHARLES F.....	1005 Bailey Building.
1904	EHRlich, FRANZ, JR.....	826-9 Stephen Girard Building.
1902	ELWELL, ISAAC.....	1106 Commonwealth Trust Bldg.
1909	EMBERY, JOSEPH R.....	1105-6 Real Estate Trust Building.

Year of Admission		PHILADELPHIA COUNTY—continued	
1911	EVANS, JOHN LEWIS	701	Arcade Building.
1895	EVANS, ROWLAND	225	South Sixth street.
1904	FAHY, THOMAS A.	14	South Broad street.
1910	FAHY, WALTER THOMAS	4704	Green street.
1904	FARIES, EDGAR DUDLEY	614	Franklin Building.
1905	FARR, CHESTER N., JR.	415	Real Estate Trust Building.
1908	FAUGHT, ALBERT SMITH	133	South Twelfth street.
1902	FELL, DAVID N., JR.	618	North American Building.
1895	FENSTERMAKER, THOMAS A.	625	Witherspoon Building.
1897	FERGUSON, WILLIAM C.		City Hall.
1897	FISHER, WILLIAM RIGHTER	1012	Stephen Girard Building.
1902	FLAHERTY, JAMES A.	1328	Chestnut street.
1910	FLETCHER, WM. MEADE	1015	Real Estate Trust Bldg.
1895	FOLZ, LEON H.	909	Walnut street.
1905	FOLZ, STANLEY		"
1905	FOX, HENRY K.	410	North American Building.
1895	FRIES, HENRY K.	1328	Chestnut street.
1895	FURTH, EMANUEL	404	Bailey Building.
1901	GABLE, VIVIAN FRANK	509	Franklin Building.
1899	GATES, THOMAS S.	517	Chestnut street.
1895	GEST, JOHN M.	905	Lafayette Building.
1902	GILFILLAN, JOSEPH	512	Crozer Building.
1895	GILL, HARRY B.	328	Chestnut street.
1905	GLASGOW, WILLIAM A., JR.	1018	Real Estate Trust Building.
1909	GOOD, D. CLARE	535	Chestnut street.
1902	GOODBREAD, JOSEPH S.	635	Walnut street.
1900	GORDON, JAMES GAY	710-23	North American Building.
1895	GORMAN, WILLIAM	313	Stephen Girard Building.
1895	GOWEN, FRANCIS I.	229	Broad Street Station.
1900	GRAHAM, GEORGE S.	509	Crozer Building.
1902	GRAY, WILLIAM A.	1001	Chestnut street.
1901	GREENWALD, JOSEPH L.	1006	Arch street.
1902	GRIFFITH, DAVID R., JR.	200	Penn Square Building.
1901	GRIFFITH, WARREN G.	641	Land Title Building.
1906	GUMBES, FRANCIS M.	812	Penn Square Building.
1902	GUMMEY, CHARLES F.	133	South Twelfth street.
1910	HAGGARTY, CORNELIUS, JR.	1420	Chestnut street.
1895	HAIG, ALFRED R.	2015	Land Title Building.
1902	HANNA, MEREDITH	802	Crozer Building.
1901	HARRINGTON, AVERY D.		Franklin Building.
1895	HARRITY, WILLIAM F.	2015	Land Title Building.
1906	HATFIELD, HENRY R.	723	Walnut street.
1902	HAWKES, THOMAS G.	1429	Chestnut street.
1902	HAYES, WILLIAM A.	1014	Commonwealth Trust Bldg.
1901	HECKSCHER, STEVENS	1617	Land Title Building.

Year of Admission	PHILADELPHIA COUNTY—continued
1899	HENDERSON, GEORGE 133 South Twelfth street.
1895	HENRY, BAYARD.....1438 Land Title Building.
1901	HEPBURN, CHARLES J.....803 Bailey Building.
1895	HEPBURN, W. HORACE.....1335 Arch street.
1902	HERZBERG, MAX 802 Commonwealth Building.
1904	HIBBERD, DILWORTH P.....703 Harrison Building.
1907	HINCKLEY, JOHN C Witherspoon Building.
1899	HOEFER, HENRY A.....1335 Arch street.
1900	HOFFMAN, EDWARD F.....309 Pennsylvania Building.
1898	HOLLAND, JAMES B.....Post Office Building.
1895	HOPKINSON, EDWARD.....905 Walnut street.
1904	HORWITZ, GEORGE Q.....604 West End Trust Building.
1902	HOWSON, CHARLES H.....900 West End Trust Building.
1902	HUEY, ARTHUR B.....602 Commonwealth Trust Bldg.
1902	HUNSICKER, CHARLES.....309 Stephen Girard Building.
1904	HUNSICKER, J. QUINCY.....1420 Chestnut street.
1902	HUNTER, RICHARD S.....308 Walnut street.
1910	HUTCHINSON, ARTHUR E.....1100 Penn Square Building.
1895	HYNEMAN, SAMUEL M.....1634 Land Title Building.
1896	JENKINS, THEO. F.....1100-2 Girard Building.
1904	JENKS, ROBERT D.....700 West End Trust Building.
1904	JESTER, WILLIAM B.....Beverly, N. J.
1904	JOHNSON, ARCHIBALD T.....1420 Chestnut street.
1895	JOHNSON, JOHN G.....1335 Land Title Building.
1902	JONES, G. VON PHUL.....213-14 Penn Square Building.
1895	JONES, J. LEVERING.....631 Land Title Building.
1895	JONES, JAMES COLLINS.....460 Bullitt Building.
1906	JOPSON, THOMAS W.....523 Chestnut street.
1895	JUNKIN, JOSEPH DEF.....411 Real Estate Trust Building.
1899	KANE, FRANCIS FISHER.....1832 New Land Title Building.
1902	KEENE, GEORGE FRED.....1012 Franklin Bank Building.
1902	KENDRICK, MURDOCH.....815 Crozer Building.
1902	KENWORTHY, JOSEPH W.....1420 Chestnut street.
1909	KING, JAMES W.....1608 Pine street.
1909	KIRKPATRICK, SAMUEL H.....2218 Land Title Building.
1902	KNAUS, FREDERICK J.....1005 Betz Building.
1902	KOHN, HARRY E. 1512 Chestnut street.
1904	KREWSON, GEORGE C.....709 Walnut street.
1910	LADNER, ALBERT H., JR.....702 Land Title Building.
1910	LADNER, GROVER C.....“
1910	LAMORELLE, JOSEPH F. 434 City Hall.
1895	LANDRETH, LUCIUS S.....512 Walnut street.
1903	LANK, EDGAR W.....1100 Land Title Building.
1902	LAWS, JAMES W.....918 Land Title Building.

Year of Admission	PHILADELPHIA COUNTY—continued
1895	LEAMING, THOMAS.....1306 Land Title Building.
1895	LEONARD, FREDERICK M.....119 South Fourth street.
1898	LESER, OSCAR.....Care Editorial Dept. <i>Baltimore</i> <i>American</i> , Baltimore, Md.
1895	LEVI, JULIUS C.....606 Chestnut street.
1902	LEVIN, J. SIEGMUND.....438 Walnut street.
1895	LEWIS, FRANCIS D.....934 Land Title Building.
1895	LEWIS, WILLIAM DRAPER.....Law Dept., University of <i>Penna.</i>
1902	LEX, CHARLES E.....488 Bourse Building.
1902	LINN, WILLIAM B.....Real Estate Trust Building.
1902	LLOYD, MALCOLM, JR. 1404 Land Title Building.
1911	LOEB, CLARENCE 1206 Commonwealth Trust Bldg.
1901	LOGUE, J. WASHINGTON.....Stephen Girard Building.
1895	LOWREY, DWIGHT M.....1628 Land Title Building.
1904	LOYD, WILLIAM H., JR.....905 Real Estate Trust Building.
1910	LUDLOW, BENJAMIN H.....1200 Betz Building.
1895	LUKENS, WILLIAM H. R.....507 Real Estate Trust Building.
1899	LYLE, FRANKLIN L.....522 Stephen Girard Building.
1902	MACCAIN, CHRISTIAN S.....834 Land Title Building.
1909	MACELDOWNNEY, W. A.....225 South Sixth street.
1904	MACFARLAND, LEO.....1515 Arch street.
1901	MACLEAN, WILLIAM, JR.....812 Penn Square Building.
1895	MAGILL, EDWARD W.....1540 Land Title Building.
1910	MAGUIRE, FRANCIS LYTTLETON...1420 Chestnut street.
1904	MANDEL, DAVID, JR.....606 Chestnut street.
1906	MARSH, JOHN CRETH.....Stephen Girard Building.
1910	MARTIN, J. FREDERICK.....417 Bulletin Building.
1895	MARTIN, J. WILLIS.....658 City Hall.
1904	MASON, WILLIAM CLARK.....614 Franklin Building.
1904	MATLACK, SAMUEL D.....900 Chestnut street.
1895	MAXWELL, ROBERT D.....810 West End Trust Building.
1899	MAYER, CLINTON O.....201 Bailey Building.
1910	MCADAMS, FRANCIS M.....1416 South Penn Square.
1902	MCCALL, WILLIAM E., JR.....212 Stephen Girard Building.
1904	MCCARTHY, HENRY A.....321 Chestnut street.
1896	MCCOLLIN, EDWARD G.....514 Walnut street.
1895	MCCOUCH, H. GORDON.....750 Bullitt Building.
1903	MCCOY, JOSEPH D.....1601 Morris Building.
1895	MCCULLEN, JOSEPH P.....1008 Land Title Building.
1902	MCENERY, M. J.....1328 Chestnut street.
1904	MCGLATHERY, THOMAS D.....819 Land Title Building.
1901	MCILHENNY, FRANCIS S.....1001 Chestnut street.
1904	MCINNES, WALTER S.....205 Franklin Building.
1903	MCKEEHAN, CHARLES L.....321 Chestnut street.

Year of
Admission

PHILADELPHIA COUNTY—continued

1902	McMICHAEL, CHARLES B.....	416 Harrison Building.
1908	McMULLAN, JAMES	750 Bullitt Building.
1902	McNEAL, J. H.....	606 Girard Building.
1902	MEAD, GLENN C.....	511 Crozer Building.
1902	MEAGHER, THOMAS J.....	1405 Real Estate Trust Building.
1895	MEIGS, WILLIAM M.....	460 Drexel Building.
1895	MELLORS, JOSEPH	528 Walnut street.
1895	MERRILL, JOHN HOUSTON.....	1318 Stephen Girard Building.
1902	MICHENER, E. O.....	1835-42 Land Title Building.
1904	MIDDLETON, ALLEN C.....	1118 Chestnut street.
1910	MILLER, ALFRED S.....	1420 Chestnut street.
1895	MILLER, E. SPENCER.....	N. E. Cor. 13th and Chestnut sts.
1911	MILLER, PHILIPPUS W.....	Franklin Building.
1910	MILLIGAN, OSWALD M.....	1126 Stephen Girard Building.
1904	MIRKIL, I. HAZLETON.....	522 Stephen Girard Building.
1900	MITCHELL, JAMES T.....	1722 Chestnut street.
1904	MITCHESON, JOSEPH MACGREGOR..	605 Real Estate Trust Building.
1903	MOISE, ALBERT L.....	900 Chestnut street.
1902	MONTGOMERY, W. M.....	1331 Land Title Building.
1904	MONTGOMERY, W. W., JR.....	Land Title Building.
1895	MOORE, ALFRED.....	618 North American Building.
1902	MOORE, H. W.....	700 West End Trust Building.
1911	MOORE, SPRINGER H.	1713 Pine street.
1897	MORGAN, CHARLES E., JR.....	934 Land Title Building.
1905	MORRIS, ROLAND S.....	1617 Land Title Building.
1895	MORRIS, WILLIAM	604 Franklin Bank Building.
1902	MORRIS, W. NORMAN.....	1120 Chestnut street.
1902	MORRIS, WILLIAM S.....	437 Land Title Building.
1908	MUNSON, GEORGE S.....	750 Bullitt Building.
1902	MURPHY, J. JOSEPH.....	1415 Filbert street.
1909	MURPHY, THOS. E.....	822 North American Building.
1896	NEILSON, WILLIAM D.....	703 North American Building.
1902	NEWBOURG, FREDERICK C., JR.	1318 Real Estate Trust Building.
1895	NICHOLS, H. S. PRENTISS.....	231 Broad Street Station.
1899	NORRIS, G. HEIDE.....	437-41 Land Title Building.
1908	NORRIS, WILLIAM F.....	1530 Locust street.
1907	ORLEMANN, HENRY F.....	407 Franklin Building.
1895	PAGE, HOWARD W.....	700 West End Trust Building.
1895	PAGE, S. DAVIS.....	"
1910	PARKINSON, THOMAS I.....	133 South Twelfth street.
1896	PATTERSON, G. STUART.....	Broad Street Station.
1906	PATTERSON, JOHN M.....	1420 Chestnut street.
1895	PATTERSON, T. ELLIOTT.....	Franklin Building.
1896	PAUL, J. RODMAN.....	505 Chestnut street.

Year of Admission	PHILADELPHIA COUNTY—continued
1898	PENNEWILL, WALTON.....401 Stephen Girard Building.
1896	PENNYPACKER, SAMUEL W.....Pennypacker's Mills, Pa.
1895	PENROSE, BOIES.....Arcade Building.
1904	PEPPER, B. FRANKLIN.....1438 Land Title Building.
1895	PEPPER, GEORGE WHARTON....."
1895	PERKINS, EDWARD L.....4047 Spruce street.
1901	PETTIT, HORACE.....705 Witherspoon Building.
1895	PHILLIPS, ALFRED I.....705 Land Title Building.
1902	PILE, CHARLES H.....512 Walnut street.
1898	PORTER, WILLIAM WAGENER.....1106 Commonwealth Trust Bldg.
1895	POTTER, SHELDON.....800 West End Trust Building.
1910	POWELL, HUMBERT B.....1200 Betz Building.
1895	PRICHARD, FRANK P.....1335-43 Land Title Building.
1902	PUSEY, FREDERICK T.....803 Bailey Building.
1902	RALSTON, ROBERT.....1326 Spruce street.
1910	RAMBO, ORMOND.....925 Chestnut street.
1895	RAWLE, FRANCIS.....1004 West End Trust Building.
1902	RAYMOND, EUGENE.....1432 South Penn Square.
1895	READ, JOHN R.....328 Chestnut street.
1902	REATH, THEODORE W.....Arcade Building.
1902	REATH, THOMAS....."
1902	REBER, J. HOWARD.....1001 Chestnut street.
1895	REED, JOSEPH A.....1112 Stephen Girard Building.
1902	REEVES, FREDERICK R.....602 Betz Building.
1908	REILLY, PAUL.....Franklin Bank Building.
1903	REMAK, GUSTAVUS, JR.....360 Bullitt Building.
1895	REX, WALTER E.....524 Walnut street.
1895	RHOADS, JOSEPH R.....514 Walnut street.
1904	RIDGWAY, THOMAS.....310 North American Building.
1908	ROBERTS, C. WILSON.....701 Franklin Building.
1901	ROBERTS, OWEN J.....609 West End Trust Building.
1902	ROBINSON, D. STEWART.....812 Girard Building.
1895	ROBINSON, V. GILPIN.....1218 Stephen Girard Building.
1902	RODMAN, WALTER C.....1420 Chestnut street.
1909	ROGERS, JAMES S.....602 Commonwealth Building.
1906	ROSENBERGER, EMIL.....523 Chestnut street.
1908	ROTAN, SAMUEL P.....666 City Hall.
1895	ROTHERMEL, P. F., JR.....Land Title Building.
1895	RUMSEY, HORACE M.....Stephen Girard Building.
1910	RUNK, LOUIS BARCROFT.....328 Chestnut street.
1902	RYAN, MICHAEL J.....908 Girard Building.
1902	SANSON, ALBERT W.....501 Bailey Building.
1906	SAUL, WALTER BIDDLE.....1835 Land Title Building.
1900	SAVIDGE, FRANK R.....506 Walnut street.
1895	SAVIDGE, JOSEPH.....1201 Chestnut street.

Year of
Admission

PHILADELPHIA COUNTY—continued

1910	SAYRE, CHARLES H.	740 Land Title Building.
1899	SCARBOROUGH, HENRY W.	522 Walnut street.
1898	SCHOFIELD, CHARLES S.	N. E. Cor. Broad and Arch streets.
1895	SCOTT, HENRY J.	Penn Square Building.
1895	SCOTT, JOHN, JR.	1012 Stephen Girard Building.
1895	SCOTT, JOHN M.	625 Walnut street.
1911	SCOTT, SAMUEL B.	Franklin Bank Building.
1904	SEIBERLICH, EDWARD B.	1217 Land Title Building.
1902	SHAPLEY, E. COOPER.	316 Stephen Girard Building.
1901	SHATTUCK, FRANK R.	Land Title Building.
1906	SHICK, ROBERT P.	723 North American Building.
1895	SHIELDS, A. S. L.	200 Betz Building.
1899	SHOEMAKER, WILLIAM H.	1420 Chestnut street.
1895	SHOYER, FREDERICK J.	1000 Penn Square Building.
1895	SIMPSON, ALEX., JR.	1005 Morris Building.
1904	SINNICKSON, CHARLES.	411 Real Estate Trust Building.
1902	SLATTERY, JOSEPH A.	931 Land Title Building.
1895	SMITH, ALFRED PERCIVAL.	704 Franklin Bank Building.
1895	SMITH, LEWIS LAWRENCE.	1011 Chestnut street.
1902	SMITH, R. STUART.	934 Land Title Building.
1904	SMITH, THOMAS KILBY.	1006 Land Title Building.
1895	SMITH, WALTER GEORGE.	"
1895	SMITH, WILLIAM RUDOLPH.	"
1899	SMITHERS, WILLIAM W.	1100 Land Title Building.
1902	SMYTH, DAVID J.	707-8-9 Girard Building.
1905	SMYTH, WILLIAM J.	1328 Chestnut street.
1910	SOBERNHEIMER, FREDERICK A.	825 Stephen Girard Building.
1910	SOBERNHEIMER, FREDERICK A., JR.	"
1910	SPALDING, HENRY	618 North American Building.
1895	SPARHAWK, JOHN, JR.	400 Chestnut street.
1895	STAAKE, WILLIAM H.	501 Franklin Building.
1904	STAAKE, WILLIAM W.	"
1895	STENGER, WILLIAM S.	1420 Chestnut street.
1909	STEWART, DANIEL A.	119 South Fourth street.
1902	STEWART, WILLIAM M., JR.	1242 Land Title Building.
1910	STOCKWELL, HERBERT G.	831 Land Title Building.
1895	STOEVER, WILLIAM C.	727 Walnut Street.
1910	STRONG, JOHN M.	West End Trust Building.
1896	STUTZBACH, MARTIN H.	614 Commonwealth Trust Bldg.
1910	SUTTON, ISAAC C.	301 Franklin Building.
1896	SUTTON, W. HENRY.	133 South Twelfth street.
1904	SWARTLEY, FRANCIS K.	1133 Land Title Building.
1900	TAULANE, JOSEPH H.	1201 Stephen Girard Building.
1895	TAYLOR, CARTER BERKELEY.	904 Land Title Building.
1902	TAYLOR, JOSEPH T.	Penn Square Building.

Year of Admission	PHILADELPHIA COUNTY—continued
1902	TAYLOR, SAMUEL J.....New Land Title Building.
1895	TERRY, HENRY C.....603 Hale Building.
1902	THOLE, FRANCIS H.....600 Penn Square Building.
1896	THOMAS, SAMUEL HINDS.....308 Walnut street.
1900	THOMPSON, HENRY C., JR.....2015 Land Title Building.
1898	THOMPSON, J. WHITAKER.....1107 Girard Building.
1895	TODD, M. HAMPTON.....133 South Twelfth street.
1897	TOWNSEND, J. B., JR.....715 Walnut street.
1900	TRACY, HENRY M.....741 Land Title Building.
1902	TURNER, WILLIAM J.....927 Chestnut street.
1900	TUSTIN, ERNEST L.....1420 Chestnut street.
1906	VALE, RUBY R.....1540 Land Title Building.
1895	VAN DUSEN, GEORGE R.....1012 Stephen Girard Building.
1896	VAN HORN, CHARLES F.....614 Witherspoon Building.
1899	VON MOSCHZISKER, ROBERT.....532 Walnut street.
1904	WAGNER, GEORGE M.....201 South Twelfth street.
1908	WALKER, WINFIELD S.....604 Franklin Bank Building.
1902	WALLACE, W. S.....707 Bailey Building.
1902	WATERS, ASA WILSON 1302 Real Estate Trust Building.
1896	WEAVER, JOHN 1416 South Penn Square.
1904	WEIL, ARTHUR E.....1217 Land Title Building.
1895	WEIMER, ALBERT B.....119 South Fourth street.
1910	WESLEY, CHARLES S. 1420 Chestnut street.
1895	WETHERILL, CHARLES.....N. E. Cor. 15th and Walnut streets.
1901	WETHERILL, JOHN LAWRENCE....1302 Commonwealth Trust Bldg.
1895	WHITE, ELIAS H.....700 West End Trust Building.
1902	WHITE, JOHN J. Marlborough-Blenheim, Atlantic City, N. J.
1902	WHITE, THOMAS EARLE.....1201 Stephen Girard Building.
1903	WHITE, THOS. RAEBURN.....700 West End Trust Building.
1895	WHITE, WILLIAM, JR.....1302 Commonwealth Trust Bldg.
1896	WILER, ALFRED DAY.....1436 Land Title Building.
1907	WILLARD, WALTER.....505 Betz Building.
1899	WILLIAMS, IRA JEWELL.....1005 Morris Building.
1895	WILLIAMS, J. HENRY.....133 South Twelfth street.
1904	WILLIAMS, PARKER S.....711 Arcade Building.
1904	WILLIAMS, THOMAS S.....560 Drexel Building.
1907	WILSON, JOSEPH R.....606 Commonwealth Building.
1901	WILSON, W. C.....1000-06 Penn Square Building.
1910	WILSON, WILLIAM H. 400 Penn Square Building.
1895	WILTBANK, WILLIAM W.....City Hall.
1910	WINDLE, FREDERICK F.....1107 Land Title Building.
1895	WINTERSTEEN, A. H. 1601 Morris Building.
1899	WOLFF, OTTO.....1002 Betz Building.

Year of Admission	PHILADELPHIA COUNTY—continued
1908	WOOD, CLEMENT B.....934 Land Title Building.
1895	WOOD, R. FRANCIS.....328 Chestnut street.
1895	WOODRUFF, CLINTON ROGERS.....121 South Broad street.
1911	WOODWARD, GRAHAM C.....603 Franklin Bank Building.
1910	YEAKLE, J. MORRIS 1307 Land Title Building.
1901	YOUNG, SYDNEY.....642 Land Title Building.
1904	ZIEGLER, CHARLES F.....209 South Sixth street.
1898	ZUG, CHARLES K.....Commonwealth Trust Building..

PIKE COUNTY

1905	BAKER, HARRY T.....Milford.
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SCHUYLKILL COUNTY

1910	BURKE, M. M.....Pottsville.
1895	MOYER, JOSEPH W.....“
1908	ROADS, GEORGE M.....“

SOMERSET COUNTY

1908	COOPER, FRANK.....Wellersburg.
1902	KIERNAN, EDMUND E.....Somerset.
1897	KOONTZ, W. H.....“
1895	PUGH, JAMES L.....“
1895	RUPPEL, W. H.....“
1895	UHL, JOHN H.....“

SULLIVAN COUNTY

1902	WALSH, ALPHONSUS Dushore.
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SUSQUEHANNA COUNTY

1899	SMITH, A. B., JR.....Montrose.
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TIOGA COUNTY

1906	MARSH, H. F.....Wellsboro.
1907	MERRICK, GEORGE W.....“

Year of Admission	UNION COUNTY	
1897	BAKER, J. THOMPSON.....	Lewisburg.
1895	GLOVER, HORACE PELLMAN.....	Mifflinburg.
1895	HAYES, ALFRED	Lewisburg.
1895	LEISER, ANDREW ALBRIGHT.....	"
1897	LINN, PHILIP B.....	"
1895	McCLURE, HAROLD M.....	"
1911	STEININGER, CLOYD	"

VENANGO COUNTY

1910	ASH, ISAAC	Oil City.
1895	HEYDRICK, CHRISTOPHER	Franklin.
1895	OSMER, J. H.....	"
1910	SPEER, PETER M.	Oil City,

WARREN COUNTY

1902	ALLEN, WILLIAM HARRISON.....	Warren.
1895	BALL, D. I.....	"
1901	BESHLIN, E. H.....	"
1911	ELDRED, A. G.....	"
1895	HINCKLEY, WATSON D.....	"
1901	LINDSEY, EDWARD	"
1897	RICE, WILLIAM E.....	"
1903	SCHOFIELD, JOSEPH A.....	"
1900	STONE, C. W.....	"

WASHINGTON COUNTY

1895	BROWNSON, JAMES I.....	Washington.
1907	DONNAN, JOHN H.....	"
1908	HAZZARD, VERNON	Monongahela City.
1907	IRWIN, R. W.....	Washington.
1907	LINN, ANDREW M.....	"
1895	McILVAINE, JOHN A.....	"
1902	MYERS, HARRY RUSSELL.....	"
1895	TAYLOR, JAMES F.....	"
1902	TEMPLETON, ALEXANDER M.....	"
1900	WILEY, J. A.....	"

WAYNE COUNTY

1896	GREENE, HOMER	Honesdale.
1895	SEARLE, ALONZO T.....	"
1895	WILSON, HENRY	"

Year of
Admission

WESTMORELAND COUNTY

1897	DOTY, LUCIEN W.....	Greensburg.
1896	GAITHER, PAUL H.....	"
1902	HAMOR, GEORGE D.....	New Kensington.
1897	HEAD, JOHN B.....	Greensburg.
1897	McCONNELL, A. D.....	"
1895	MOORHEAD, JAMES S.....	"
1895	ROBBINS, EDWARD E.....	"
1897	WOODS, CYRUS E.....	"
1911	WHITTEN, CHARLES E.....	"

WYOMING COUNTY

1895	PIATT, JAMES WILSON.....	Tunkhannock.
1895	TERRY, CHARLES E.....	"

YORK COUNTY

1897	BITTENDER, JOHN W.....	York.
1901	BLACK, JERE S.....	"
1895	COCHRAN, RICHARD E.....	"
1902	GEMMILL, W. B.....	"
1896	HAWKINS, CHARLES A.....	"
1901	HOOBER, JOHN A.....	"
1898	McCALL, JAMES ST. CLAIR.....	"
1905	NEFF, GEORGE E.....	"
1895	NILES, HENRY C.....	"
1896	ROSS, N. SARGENT.....	"
1902	ROUSE, JOHN L.....	"
1905	SCHMIDT, GEORGE S.....	"
1895	STEWART, W. F. BAY.....	"
1895	STRAWBRIDGE, JOSEPH R.....	"
1902	VANDERSLOOT, JOHN E.....	"
1896	WILLIAMS, SMYSER	"
1904	YOST, DONALD H.....	"

ALPHABETICAL LIST OF MEMBERS

Year of Admission		
1908	ABBOTT, EDWIN M.....	Philadelphia.
1900	ACHESON, M. W., JR.....	Pittsburgh.
1910	ACKER, J. HENRY RADEY...	Philadelphia.
1907	ADAMS, JACOB B.....	Uniontown.
1895	ADAMS, JOHN STOKES.....	Philadelphia.
1895	ADDAMS, CHARLES P.....	Carlisle.
1900	ADLER, FRANCIS COPE.....	Philadelphia.
1897	AIKEN, ROBERT K.....	New Castle.
1899	ALCORN, JAMES.....	Philadelphia.
1902	ALEXANDER, BENJAMIN	"
1899	ALEXANDER, LUCIEN H.....	"
1895	ALEXANDER, W. SCOTT.....	McConnellsburg.
1895	ALEXANDER, WILLIAM.....	Chambersburg.
1902	ALLEN, WILLIAM HARRISON.	Warren.
1895	AMES, HEBERT T.....	Williamsport.
1906	AMMON, SAMUEL A.....	Pittsburgh.
1902	AMRAM, DAVID W.....	Philadelphia.
1899	ANDERSON, J. N.....	Pittston.
1899	ANDERSON, WILLIAM Y. C..	Philadelphia.
1900	ANGNEY, ALLAN B.....	Pittsburgh.
1899	ANSART, FELIX.....	Wilkes-Barre.
1907	APPEL, JOHN W.....	Lancaster.
1903	APPEL, WILLIAM N.....	"
1896	ARCHBALD, R. W.....	Scranton.
1902	ARNOLD, ARTHUR S.....	Philadelphia.
1908	ARTHUR, EDMUND W.....	Pittsburgh.
1910	ASH, ISAAC	Oil City.
1899	ATHERTON, THOMAS H.....	Wilkes-Barre.
1904	ATLEE, BENJ. C.....	Lancaster.
1910	AUBREY, GEORGE W.	Allentown.
1895	AUDENREID, CHARLES Y....	Philadelphia.
1908	AUTEN, VORIS	Mt. Carmel.
1895	BACKENSTOE, CLAYTON H..	Harrisburg.
1895	BAER, GEORGE F.....	Reading.
1895	BAILEY, CHARLES L., JR....	Harrisburg.
1905	BAILEY, THOMAS F.....	Huntingdon.
1911	BAKER, CHARLES G.	Lancaster.
1900	BAKER, C. L.....	Erie.
1905	BAKER, HARRY T.....	Milford.
1897	BAKER, J. THOMPSON.....	Lewisburg.
		Fayette Co.
		Cumberland Co.
		Lawrence Co.
		Fulton Co.
		Franklin Co.
		Warren Co.
		Lycoming Co.
		Luzerne Co.
		Luzerne Co.
		Lancaster Co.
		"
		Lackawanna Co.
		Venango Co.
		Luzerne Co.
		Lancaster Co.
		Lehigh Co.
		Northumberland Co.
		Dauphin Co.
		Berks Co.
		Dauphin Co.
		Huntingdon Co.
		Lancaster Co.
		Erie Co.
		Pike Co.
		Union Co.

Year of Admission		
1897	BALDRIGE, THOMAS J.....	Hollidaysburg, Blair Co.
1895	BALL, D. I.....	Warren, Warren Co.
1895	BALLARD, ELLIS AMES.....	Philadelphia.
1902	BALPH, ROWLAND A.....	Pittsburgh.
1895	BAMBERGER, ALBERT J.....	Philadelphia.
1895	BAMBERGER, LEONARD J.....	"
1897	BANKS, J. N.....	Indiana, Indiana Co.
1895	BARBER, LAIRD H.....	Mauch Chunk, Carbon Co.
1895	BARKER, AUGUSTINE V.....	Ebensburg, Cambria Co.
1895	BARNES, J. HAMPTON.....	Philadelphia.
1907	BARNETT, GEORGE R.....	Harrisburg, Dauphin Co.
1897	BARRATT, NORRIS S.....	Philadelphia.
1911	BARRON, ALEXANDER J.....	Pittsburgh.
1902	BARTLETT, CHARLES E.....	Philadelphia.
1902	BASEHORE, SAMUEL E.....	Mechanicsburg, Cumberland Co.
1902	BASHORE, CHESTER C.....	Carlisle, "
1908	BAUERLE, ALBERT T.....	Philadelphia.
1897	BEAL, J. H.....	Pittsburgh.
1898	BEATTY, SUZANNE S.....	"
1895	BEAVER, JAMES A.....	Bellefonte, Centre Co.
1908	BECK, JAMES M.....	New York City.
1895	BEDFORD, GEORGE R.....	Wilkes-Barre, Luzerne Co.
1899	BEDFORD, J. CLAUDE.....	Philadelphia.
1895	BEEBER, DIMNER.....	"
1908	BEGGS, ROBERT A., JR.....	"
1895	BEITLER, ABRAHAM M.....	"
1905	BEITLER, HAROLD B.....	"
1900	BELL, JOHN CROMWELL.....	"
1905	BENNER, THOMAS M.....	Pittsburgh.
1896	BERGNER, CHARLES H.....	Harrisburg, Dauphin Co.
1907	BERNTHEIZEL, CLEON N.....	Columbia, Lancaster Co.
1909	BERTOLET, WELLINGTON M.....	Reading, Berks Co.
1895	BERTOLETTE, FRED.....	Mauch Chunk, Carbon Co.
1901	BESHLIN, E. H.....	Warren, Warren Co.
1895	BIDDLE, CHARLES.....	Philadelphia.
1895	BIDDLE, EDWARD W.....	Carlisle, Cumberland Co.
1904	BIKLE, HENRY WOLF.....	Philadelphia.
1897	BITTENDER, JOHN W.....	York, York Co.
1901	BLACK, JERE S.....	"
1900	BLAKELEY, W. A.....	Pittsburgh.
1895	BLANCHARD, JOHN.....	Bellefonte, Centre Co.
1906	BLAND, H. WILLIS.....	Reading, Berks Co.
1911	BLAXTER, HENRY V.....	Pittsburgh.
1897	BLOOD, CYRUS H.....	Brookville, Jefferson Co.

Year of Admission		
1902	BOCKIUS, MORRIS R.....	Philadelphia.
1901	BODINE, W. B., JR.....	"
1907	BOHLEN, FRANCIS H.....	"
1896	BONSALL, EDWARD H.....	"
1900	BORNEMAN, HENRY S.....	"
1902	BOUTON, J. W.....	Smethport, McKean Co.
1899	BOWERS, LEE S.	Philadelphia.
1895	BOWERS, O. C.....	Chambersburg, Franklin Co.
1902	BOWKER, GEORGE C.....	Philadelphia.
1895	BOWMAN, SIMON S.....	Millersburg, Dauphin Co.
1895	BOWMAN, WENDELL P....	Philadelphia.
1897	BOWSER, S. F.....	Butler, Butler Co.
1895	BOYD, PETER.....	Philadelphia.
1904	BOYER, HERBERT M.....	"
1903	BOYLE, JOHN.....	Uniontown, Fayette Co.
1901	BRACKEN, FRANCIS B.....	Philadelphia.
1900	BRADY, JOHN T.....	Harrisburg, Dauphin Co.
1909	BRANNAN, ROBERT.....	Philadelphia.
1895	BRECK, E. Y.....	Pittsburgh.
1895	BREGY, LOUIS.....	Philadelphia.
1903	BREITINGER, FRED. L.....	"
1902	BREITINGER, J. L.....	"
1902	BRENNEN, WILLIAM J.....	Pittsburgh.
1901	BRINTON, JOSEPH HILL....	Philadelphia.
1902	BRINTON, SHARSWOOD.....	"
1902	BROMLEY, B. GORDON.....	"
1902	BROOKS, EDWARD, JR.....	"
1903	BROOKS, JOHN B.....	Erie, Erie Co.
1904	BROOMALL, JOHN M.....	Media, Delaware Co.
1895	BROWN, FRANCIS SHUNK...	Philadelphia.
1895	BROWN, HENRY P.....	"
1895	BROWN, J. HAY.....	Lancaster, Lancaster Co.
1895	BROWN, JOHN A.....	Philadelphia.
1895	BROWN, JOHN D.....	Pittsburgh.
1895	BROWN, JOHN DOUGLASS...	Philadelphia.
1895	BROWN, MARSHALL.....	Pittsburgh.
1902	BROWN, REYNOLDS D.	Philadelphia.
1895	BROWN, THOMAS S.....	Pittsburgh.
1904	BROWN, WM. ALEXANDER..	Philadelphia.
1896	BROWN, WILLIAM FINDLAY.	"
1901	BROWNBAC, HENRY M....	Norristown, Montgomery Co.
1895	BROWNSON, JAMES I.....	Washington, Washington Co.
1895	BUDD, HENRY.....	Philadelphia.
1907	BUNTING, JOSEPH T.....	"

Year of
Admission

1895	BURGWIN, AUGUSTUS P....	Pittsburgh.	
1895	BURGWIN, GEORGE C.....	"	
1910	BURKE, M. M.	Pottsville,	Schuylkill Co.
1900	BURLEIGH, CLARENCE.....	Pittsburgh.	
1895	BURNETT, WILLIAM H.....	Philadelphia.	
1895	BURR, JAMES E.....	Scranton,	Lackawanna Co.
1910	BUSHONG, ROBERT GREY ...	Reading,	Berks Co.
1908	BUTLER, GEORGE T.....	Media,	Delaware Co.
1910	BUTLER, J. EDGAR	Philadelphia.	
1896	BUTLER, WILLIAM, JR.....	West Chester,	Chester Co.
1902	CADWALADER, JOHN, JR....	Philadelphia.	
1896	CADWALADER, RICHARD M..	"	
1902	CALVERT, GEORGE H.....	Pittsburgh.	
1909	CAMPBELL, GEORGE J.....	Bellevue,	Allegheny Co.
1896	CAMPBELL, JAMES D.....	Wyncote,	Montgomery Co.
1904	CAMPBELL, JAMES F.....	Philadelphia.	
1901	CAMPBELL, JOHN M.....	"	
1895	CANDOR, ADDISON.....	Williamsport,	Lycoming Co.
1895	CARE, R. SHERMAN.....	Harrisburg,	Dauphin Co.
1896	CARPENTER, J. MCF.....	Pittsburgh.	
1898	CARR, GEORGE W.....	Philadelphia.	
1896	CARR, WILLIAM WILKINS..	"	
1895	CARSON, HAMPTON L.....	"	
1909	CARVER, ALEXANDER HENRY.	"	
1897	CARVER, CHARLES.....	"	
1902	CASSEL, JOHN R.....	"	
1895	CATTELL, HENRY S.....	"	
1896	CHALFANT, GEORGE N.....	Pittsburgh.	
1908	CHALFANT, JOHN W., ...	"	
1908	CHALLENGER, W. A.....	"	
1896	CHANTLER, THOMAS D.....	"	
1902	CHAPMAN, S. SPENCER....	Philadelphia.	
1908	CHILDS, LOUIS M.....	Norristown,	Montgomery Co.
1895	CLAPP, B. FRANK.....	Philadelphia.	
1895	CLARK, B. M.....	Punxsutawney,	Jefferson Co.
1904	CLARK, FREDERIC L.....	Philadelphia.	
1895	CLEMENT, CHARLES M....	Sunbury,	Northumberland Co.
1895	CLEVELAND, EMERSON J....	Canton,	Bradford Co.
1902	COCHRAN, A. A.....	Chester,	Delaware Co.
1895	COCHRAN, RICHARD E.....	York,	York Co.
1899	CODDING, JOHN W.....	Towanda,	Bradford Co.
1902	CODY, FRANK M.....	Philadelphia.	
1911	COHEN, JOSIAH	Pittsburgh.	
1895	COLAHAN, JOHN B., JR....	Philadelphia.	
1900	CONARD, C. WILFRED.....	"	

Year of Admission	
1904	CONLEN, WILLIAM J..... Philadelphia.
1910	CONNOR, WILLIAM T. "
1902	CONRAD, W. N..... Brookville, Jefferson Co.
1908	COOPER, FRANK..... Wellersburg, Somerset Co.
1899	COOPER, SAMUEL W..... Philadelphia.
1895	CORBET, CHARLES..... Brookville. Jefferson Co.
1905	CORE, JOHN McMULLAN.... Uniontown, Fayette Co.
1895	CORNWELL, GIBBONS GRAY West Chester, Chester Co.
1895	CORNWELL, ROBERT T..... "
1902	COULSTON, CHARLES W.... Philadelphia.
1908	COYLE, JOHN A..... Lancaster, Lancaster Co.
1895	CRAIG, EDWIN S..... Pittsburgh.
1895	CRAIG, J. H..... Altoona, Blair Co.
1902	CRAWFORD, CHARLES S.... Pittsburgh.
1906	CROCKER, WILLIAM D..... Williamsport, Lycoming Co.
1904	CROWLEY, JERE J..... Philadelphia.
1897	CRUMRINE, BOYD..... Pittsburgh.
1903	CULBERTSON, FRED. W..... Lewistown, Mifflin Co.
1903	CULBERTSON, HORACE J..... "
1909	CUNNINGHAM, JESSE E. B. . Pittsburgh.
1902	CUNNINGHAM, SAMUEL.... Indiana, Indiana Co.
1900	CURTZE, H. J..... Erie, Erie Co.
1895	CUYLER, THOMAS DeWITT. Philadelphia.
1900	DaCOSTA, CHARLES F..... "
1900	DAHLINGER, CHARLES W... Pittsburgh.
1902	DALLETT, MORRIS..... Philadelphia.
1895	DALZELL, JOHN..... Pittsburgh.
1898	DALZELL, WILLIAM S..... "
1908	DAMPMAN, JOHN B..... Reading, Berks Co.
1901	DANA, RICHARD FALLS.... New Castle, Lawrence Co.
1900	DANA, SAMUEL W..... "
1902	DANIELS, BENJAMIN..... Philadelphia.
1910	DANIELS, MAURICE V. "
1898	DANNEHOWER, WILLIAM F. Norristown, Montgomery Co.
1898	DARLING, THOMAS..... Wilkes-Barre, Luzerne Co.
1895	DARLINGTON, GEORGE E.... Media, Delaware Co.
1903	DARRAGH, ROBERT W..... Beaver, Beaver Co.
1902	DAVIS, HOWARD A..... Philadelphia.
1910	DAVIS, J. WARREN "
1906	DAVISON, WATSON R..... Waynesboro, Franklin Co.
1895	DECHERT, HENRY M..... Philadelphia.
1895	DECHERT, HENRY T..... "
1897	DEEMER, WILLIAM RUSSELL. Williamsport, Lycoming Co.
1903	DEMMING, GEORGE..... Philadelphia.
1895	DERR, CYRUS G..... Reading, Berks Co.

Year of Admission		
1895	DESHLER, JAMES B.....	Allentown, Lehigh Co.
1895	DEVELIN, JAMES AYLWARD.....	Philadelphia.
1909	DEYSHER, ELWOOD H.....	Reading, Berks Co.
1901	DICKEY, JOHN, JR.....	Philadelphia.
1909	DICKINSON, JOS. R.....	Reading, Berks Co.
1902	DICKINSON, O. B.....	Chester, Delaware Co.
1899	DICKSON, ARTHUR G.....	Philadelphia.
1895	DICKSON, SAMUEL.....	"
1898	DIMMICK, J. BENJAMIN.....	Scranton, Lackawanna Co.
1900	DIXON, EDWIN S.....	Philadelphia.
1907	DONNAN, JOHN H.....	Washington, Washington Co.
1905	DORRIS, JOHN D.....	Huntingdon, Huntingdon Co.
1897	DOTY, LUCIEN W.....	Greensburg, Westmoreland Co.
1901	DOUGHERTY, D. WEBSTER.....	Philadelphia.
1900	DOUGLASS, E. P.....	McKeesport, Allegheny Co.
1911	DOUGLASS, HOWARD W.....	Pittsburgh.
1902	DOWNING, CHARLES H.....	Philadelphia.
1896	DRAKE, FREDERICK S.....	"
1905	DROVIN, GEORGE ALBERT.....	"
1895	DUANE, RUSSELL.....	"
1905	DUBOIS, HENRY M.....	"
1902	DUFF, JOHN BOYD.....	Pittsburgh.
1895	DULL, CASPER.....	Harrisburg, Dauphin Co.
1910	DUMN, HARRY J.	Reading, Berks Co.
1898	EABY, C. REESE.....	Lancaster, Lancaster Co.
1901	EASTBURN, HUGH B.....	Doylestown, Bucks Co.
1906	EASTMAN, FRANK M.....	Harrisburg, Dauphin Co.
1904	EDMONDS, FRANKLIN S.....	Philadelphia.
1902	EDMUNDS, CHARLES H.....	"
1902	EDMUNDS, HENRY R.....	"
1904	EDWARDS, GEORGE J., JR.....	"
1896	EDWARDS, H. M.....	Scranton, Lackawanna Co.
1903	EDWARDS, NICHOLAS M.....	Williamsport, Lycoming Co.
1902	EGGLESTON, CHARLES F.....	Philadelphia.
1904	EHRlich, FRANZ, JR.....	"
1902	ELDER, IRVIN CAMERON.....	Chambersburg, Franklin Co.
1911	ELDRED, A. G.....	Warren, Warren Co.
1895	ELKIN, JOHN P.....	Indiana, Indiana Co.
1902	ELWELL, ISAAC.....	Philadelphia.
1908	ELY, FRED. H.....	Ridgway, Elk Co.
1909	EMBERY, JOSEPH R.....	Philadelphia.
1896	ENDLICH, G. A.....	Reading, Berks Co.
1895	ENDSLEY, HARRY S.....	Johnstown, Cambria Co.

Year of Admission		
1895	ESHLEMAN, G. ROSS.....	Lancaster, Lancaster Co.
1906	ESHLEMAN, H. FRANK.....	" "
1895	EVANS, JOHN A.....	Pittsburgh.
1911	EVANS, JOHN LEWIS.....	Philadelphia.
1901	EVANS, MILLER D.....	Pottstown, Montgomery Co.
1895	EVANS, MONTGOMERY.....	Norristown, "
1895	EVANS, ROWLAND.....	Philadelphia.
1905	EVANS, WILLIAM D.....	Pittsburgh.
1895	EWING, NATHANIEL.....	Uniontown, Fayette Co.
1904	EWING, THOMAS.....	Pittsburgh.
1897	FAGAN, CHARLES A.....	"
1904	FAHY, THOMAS A.....	Philadelphia.
1910	FAHY, WALTER THOMAS..	"
1901	FALLS, WALLACE H.....	New Castle, Lawrence Co.
1907	FANNING, ADELBERT C.....	Towanda, Bradford Co.
1904	FARIES, EDGAR DUDLEY....	Philadelphia.
1905	FARR, CHESTER N., JR.....	"
1908	FAUGHT, ALBERT SMITH....	"
1902	FELL, DAVID N., JR.....	"
1895	FENSTERMAKER, THOMAS A.	"
1897	FERGUSON, WILLIAM C.....	"
1911	FIFE, JOSEPH P.....	Pittsburgh.
1902	FISH, HENRY E.....	Erie, Erie Co.
1907	FISHER, GORDON.....	Pittsburgh.
1906	FISHER, JOHN S.....	Indiana, Indiana Co.
1909	FISHER, J. WILMER.....	Reading, Berks Co.
1897	FISHER, WILLIAM RIGHTER.	Philadelphia.
1902	FLAHERTY, JAMES A.....	"
1899	FLEITZ, FREDERIC W.....	Scranton, Lackawanna Co.
1902	FLETCHER, J. GILMORE....	Pittsburgh.
1910	FLETCHER, WM. MEADE ...	Philadelphia.
1905	FLOOD, NED ARDEN.....	Meadville, Crawford Co.
1900	FLOWERS, GEORGE W.....	Pittsburgh.
1895	FOLZ, LEON H.....	Philadelphia.
1905	FOLZ, STANLEY	"
1907	FORD, THOMAS J.....	Pittsburgh.
1895	FOX, EDWARD J.....	Easton, Northampton Co.
1898	FOX, GILBERT RODMAN....	Norristown, Montgomery Co.
1904	FOX, HENRY I.....	"
1905	FOX, HENRY K.....	Philadelphia.
1895	FOX, JOHN E.....	Harrisburg, Dauphin Co.
1909	FRAME, JOHN M.....	Reading, Berks Co.
1895	FRAZER, ROBERT S.....	Pittsburgh.
1895	FREDERICKS, J. T.....	Williamsport, Lycoming Co.
1909	FREED, WALTER B.....	Reading, Berks Co.

Year of Admission		
1895	FREEZE, JOHN G.....	Bloomsburg, Columbia Co.
1895	FRIES, HENRY K.....	Philadelphia.
1902	FRONEFIELD, W. ROGER.....	Media, Delaware Co.
1895	FURTH, EMANUEL.....	Philadelphia.
1901	GABLE, VIVIAN FRANK.....	"
1896	GAITHER, PAUL H.....	Greensburg, Westmoreland Co.
1902	GALLUP, FRED. D.....	Smethport, McKean Co.
1895	GARMAN, JOHN M.....	Nanticoke, Luzerne Co.
1899	GATES, THOMAS S.....	Philadelphia.
1910	GAWTHROP, ROBERT S.	West Chester, Chester Co.
1904	GEARY, A. B.....	Chester, Delaware Co.
1902	GEMMILL, W. B.....	York, York Co.
1895	GEST, JOHN M.....	Philadelphia.
1895	GHEEN, JOHN J.....	West Chester, Chester Co.
1895	GILBERT, LYMAN D.....	Harrisburg, Dauphin Co.
1902	GILFILLAN, ALEXANDER.....	Pittsburgh.
1902	GILFILLAN, JOSEPH.....	Philadelphia.
1895	GILKYSON, H. H.....	Phoenixville, Chester Co.
1895	GILL, HARRY B.....	Philadelphia.
1902	GILLAN, ARTHUR W.....	Chambersburg, Franklin Co.
1895	GILLAN, W. RUSH.....	"
1898	GILLESPIE, CHARLES D.....	Pittsburgh.
1905	GLASGOW, WILLIAM A., JR..	Philadelphia.
1895	GLOVER, HORACE PELLMAN..	Mifflinburg, Union Co.
1901	GOLDSMITH, AARON.....	Easton, Northampton Co.
1909	GOOD, D. CLARE.....	Philadelphia.
1902	GOODBREAD, JOSEPH S.....	"
1895	GORDON, GEORGE B.....	Pittsburgh.
1900	GORDON, JAMES GAY.....	Philadelphia.
1895	GORDON, QUINCY A.....	Mercer, Mercer Co.
1895	GORMAN, WILLIAM.....	Philadelphia.
1895	GOWEN, FRANCIS I.....	"
1900	GRAHAM, GEORGE S.....	"
1906	GRANT, JEREMIAH K.....	Reading, Berks Co.
1911	GRAY, JAMES C.....	Pittsburgh.
1911	GRAY, JAMES H.....	"
1902	GRAY, WILLIAM A.....	Philadelphia.
1896	GREEN, B. W.....	Emporium, Cameron Co.
1911	GREEN, ERNEST LEROY.....	Media, Delaware Co.
1896	GREENE, HOMER.....	Honesdale, Wayne Co.
1901	GREENWALD, JOSEPH L.....	Philadelphia.
1911	GREENWOOD, WALTER E.....	Coatesville, Chester Co.
1911	GREER, CHARLES C.....	Johnstown, Cambria Co.
1911	GREEVY, THOMAS H.....	Altoona, Blair Co.

Year of Admission		
1902	GRIFFITH, DAVID R., JR....	Philadelphia.
1901	GRIFFITH, WARREN G.....	"
1897	GRIFFITH, WILLIAM A.....	Pittsburgh.
1906	GUMBES, FRANCIS M.....	Philadelphia.
1902	GUMMEY, CHARLES F.....	"
1900	GUNNISON, FRANK.....	Erie, Erie Co.
1895	GUTHRIE, GEORGE W.....	Pittsburgh.
1898	GUTHRIE, WALTER J.....	"
1901	HAGAN, A. C.....	Uniontown, Fayette Co.
1904	HAGER, CHARLES F.....	Lancaster, Lancaster Co.
1910	HAGGARTY, CORNELIUS, JR..	Philadelphia.
1895	HAIG, ALFRED R.....	"
1904	HAIN, WILLIAM M.....	Harrisburg, Dauphin Co.
1910	HAINES, WM. ELLIS	Williamsport, Lycoming Co.
1896	HALL, E. H.....	Media, Delaware Co.
1895	HALL, WILLIAM M., JR....	Pittsburgh.
1908	HALLMAN, ELWOOD L.....	Norristown, Montgomery Co.
1911	HALLMAN, THOMAS	Collegeville, "
1897	HAMBLETON, CONRAD.....	Carlisle, Cumberland Co.
1902	HAMOR, GEORGE D.....	New Kensington, Westmoreland Co.
1898	HAND, ISAAC P.....	Wilkes-Barre, Luzerne Co.
1902	HANNA, MEREDITH	Philadelphia.
1909	HARE, THOMAS C.....	Altoona, Blair Co.
1895	HARGEST, THOMAS S.....	Harrisburg, Dauphin Co.
1895	HARGEST, WILLIAM M.....	"
1907	HARNISH, MARTIN M.....	Lancaster, Lancaster Co.
1901	HARRINGTON, AVERY D....	Philadelphia.
1908	HARRIS, HENRY O.....	Doylestown, Bucks Co.
1898	HARRIS, JOHN M.....	Scranton, Lackawanna Co.
1899	HARRISON, J. HARVEY.....	Pittsburgh.
1895	HARRITY, WILLIAM F.....	Philadelphia.
1895	HART, WILLIAM W.....	Williamsport, Lycoming Co.
1900	HASSLER, A. B.....	Lancaster, Lancaster Co.
1906	HATFIELD, HENRY R.....	Philadelphia.
1895	HAUSE, J. FRANK E.....	West Chester, Chester Co.
1909	HAVILAND, JOHN, JR.....	Phoenixville, "
1902	HAWKES, THOMAS G.....	Philadelphia.
1896	HAWKINS, CHARLES A....	York, York Co.
1906	HAWKINS, RICHARD H....	Pittsburgh.
1895	HAYES, ALFRED.....	Lewisburg, Union Co.
1902	HAYES, WILLIAM A.....	Philadelphia.
1895	HAYES, WILLIAM M.....	West Chester, Chester Co.
1900	HAYS, EDWARD F.....	Pittsburgh.
1895	HAZEN, AARON L.....	New Castle, Lawrence Co.
1908	HAZZARD, VERNON.....	Monongahela City, Washington Co.

Year of Admission		
1897	HEAD, JOHN B.....	Greensburg, Westmoreland Co
1901	HECKSCHER, STEVENS	Philadelphia.
1909	HEINLY, HARVEY F.....	Reading, Berks Co.
1909	HEINSLING, H. T.....	Altoona, Blair Co.
1896	HEMPHILL, JOSEPH.....	West Chester, Chester Co.
1899	HENDERSON, GEORGE.....	Philadelphia.
1907	HENDERSON, JOHN J.....	Meadville, Crawford Co.
1895	HENDERSON, J. WEBSTER....	Carlisle, Cumberland Co.
1909	HENDERSON, ROBERT A.....	Altoona, Blair Co.
1895	HENRY, BAYARD.....	Philadelphia.
1910	HENRY, CHARLES V.....	Annville, Lebanon Co.
1895	HENSEL, WILLIAM U.....	Lancaster, Lancaster Co.
1901	HEPBURN, CHARLES J.....	Philadelphia.
1895	HEPBURN, W. HORACE.....	"
1895	HERTZOG, D. M.....	Uniontown, Fayette Co.
1902	HERZBERG, MAX.....	Philadelphia.
1895	HEYDRICK, CHRISTOPHER...	Franklin, Venango Co.
1904	HEYDT, HORACE.....	Mauch Chunk, Carbon Co.
1904	HIBBERD, DILWORTH P.....	Philadelphia.
1903	HICE, AGNEW.....	Beaver, Beaver Co.
1895	HIESTER, ISAAC.....	Reading, Berks Co.
1907	HINCKLEY, JOHN C.....	Philadelphia.
1895	HINCKLEY, WATSON D.....	Warren, Warren Co.
1903	HINDMAN, WILLIAM A.....	Clarion, Clarion Co.
1908	HINKSON, JOS. H.....	Chester, Delaware Co.
1896	HIPPLE, T. C.....	Lock Haven, Clinton Co.
1899	HOEFLER, HENRY A.....	Philadelphia.
1900	HOFFMAN, EDWARD F.....	"
1906	HOFFMAN, JOHN D.....	Bethlehem, Northampton Co.
1895	HOLAHAN, THOMAS B.....	Lancaster, Lancaster Co.
1895	HOLDING, ARCHIE McC.....	West Chester, Chester Co.
1898	HOLLAND, JAMES B.....	Philadelphia.
1906	HOLT, RICHARD S.....	Beaver, Beaver Co.
1901	HOOBER, JOHN A.....	York, York Co.
1895	HOPKINSON, EDWARD.....	Philadelphia.
1895	HOPWOOD, R. F.....	Uniontown, Fayette Co.
1904	HORWITZ, GEORGE Q.....	Philadelphia.
1907	HOTTENSTEIN, MARCUS S...	Allentown, Lehigh Co.
1902	HOWSON, CHARLES H.....	Philadelphia.
1900	HUEY, ANDREW P.....	Kane, McKean Co.
1902	HUEY, ARTHUR B.....	Philadelphia.
1902	HUNSICKER, CHARLES.....	"
1904	HUNSICKER, J. QUINCY....	"
1899	HUNTER, JOHN P.....	Pittsburgh.
1902	HUNTER, RICHARD S.....	Philadelphia.

Year of
Admission

1910	HUTCHINSON, ARTHUR E...	Philadelphia.	
1909	HUTTON, A. J. WHITE.....	Chambersburg,	Franklin Co.
1895	HYNEMAN, SAMUEL M....	Philadelphia.	
1895	IMBRIE, A. M.....	Pittsburgh.	
1895	INGHAM, J. C.....	Towanda,	Bradford Co.
1910	IRVING, ROBERT W.	Carlisle,	Cumberland Co.
1907	IRWIN, R. W.....	Washington,	Washington Co.
1900	JACK, DAVID H.....	Bradford,	McKean Co.
1906	JACK, SUMMERS M.....	Indiana,	Indiana Co.
1899	JACOBS, FRANK	Allentown,	Lehigh Co.
1895	JACOBS, MICHAEL WM....	Harrisburg,	Dauphin Co.
1901	JAMES, HENRY A.....	Doylestown,	Bucks Co.
1904	JAMES, HOWARD I.....	Bristol,	"
1899	JENKINS, JOHN E.....	Wilkes-Barre,	Luzerne Co.
1908	JENKINS, J. P. HALE.....	Norristown,	Montgomery Co.
1896	JENKINS, THEO. F.....	Philadelphia.	
1904	JENKS, ROBERT D.....	"	
1900	JENNINGS, W. K.....	Pittsburgh.	
1904	JESTER, WILLIAM B.....	Beverly, N. J.	
1904	JOHNSON, ARCHIBALD T....	Philadelphia.	
1895	JOHNSON, JOHN G.....	"	
1903	JOHNSON, WILLIAM J.....	Uniontown,	Fayette Co.
1906	JONES, CHARLES WARING...	Pittsburgh.	
1902	JONES, G. VON PHUL.....	Philadelphia.	
1895	JONES, J. LEVERING.....	"	
1895	JONES, JAMES COLLINS....	"	
1898	JONES, RICHMOND L.....	Reading,	Berks Co.
1906	JOPSON, THOMAS W.....	Philadelphia.	
1895	JORDAN, JOHN H.....	Bedford,	Bedford Co.
1895	JUNKIN, JOSEPH DEF.....	Philadelphia.	
1903	KAHLE, FREDERICK L.....	Pittsburgh.	
1899	KANE, FRANCIS FISHER....	Philadelphia.	
1909	KANTNER, HARRY F.....	Reading,	Berks Co.
1899	KAST, IDA G.....	Mechanicsburg,	Cumberland Co.
1895	KEELER, E. WESLEY.....	Doylestown,	Bucks Co.
1902	KEENE, GEORGE FRED.....	Philadelphia.	
1895	KEFOVER, CHARLES F.....	Uniontown,	Fayette Co.
1906	KEISER, HENRY P.....	Reading,	Berks Co.
1895	KELLER, HARRY.....	Bellefonte,	Centre Co.
1910	KELLER, HIRAM H.	Doylestown,	Bucks Co.
1901	KELLER, WILLIAM H.....	Lancaster,	Lancaster Co.
1902	KENDRICK, MURDOCH.....	Philadelphia,	
1895	KENNEDY, JOHN M.....	Pittsburgh.	
1895	KENNY, CHARLES B.....	"	

Year of
Admission

1902	KENWORTHY, JOSEPH W....	Philadelphia.	
1909	KEPPELMAN, JOHN ARTHUR.	Reading,	Berks Co.
1911	KERR, ALLEN HUMPHREYS..	Pittsburgh.	
1902	KIERNAN, EDMUND E.....	Somerset,	Somerset Co.
1909	KING, JAMES W.....	Philadelphia.	
1900	KINNEAR, JAMES W.....	Pittsburgh.	
1909	KIRKPATRICK, SAMUEL H...	Philadelphia.	
1910	KIRKPATRICK, WILLIAM H..	Easton,	Northampton Co.
1895	KIRKPATRICK, WILLIAM S..	"	"
1896	KNAPP, HENRY A.....	Scranton,	Lackawanna Co.
1902	KNAUS, FREDERICK J.....	Philadelphia.	
1899	KNIGHT, HARRY S.....	Sunbury,	Northumberland Co
1895	KNOX, P. C.....	Washington, D. C.	Pittsburgh.
1909	KOCK, EARLE I.....	Reading,	Berks Co.
1895	KOHLER, OTTO.....	Meadville,	Crawford Co.
1902	KOHN, HARRY E.....	Philadelphia.	
1897	KOONTZ, W. H.....	Somerset,	Somerset Co.
1898	KOTZ, HENRY J.....	Stroudsburg,	Monroe Co.
1911	KREADY, B. FRANK	Lancaster,	Lancaster Co.
1895	KRESS, WILSON C.....	Lock Haven,	Clinton Co.
1904	KREWSON, GEORGE C.....	Philadelphia.	
1895	KULP, GEORGE B.....	Wilkes-Barre,	Luzerne Co.
1903	KUNKEL, PAUL A.....	Harrisburg,	Dauphin Co.
1911	KYLE, WILLIAM J.	Waynesburg,	Greene Co.
1910	LADNER, ALBERT H., JR....	Philadelphia.	
1910	LADNER, GROVER C.	"	"
1895	LAIRD, FRANK H.....	Beaver,	Beaver Co.
1895	LAMB, THEODORE A.....	Erie,	Erie Co.
1895	LAMBERTON, JAMES M....	Harrisburg,	Dauphin Co.
1910	LAMORELLE, JOSEPH F.....	Philadelphia.	
1895	LANDIS, CHARLES I.....	Lancaster,	Lancaster Co.
1895	LANDRETH, LUCIUS S.....	Philadelphia.	
1906	LANGHAM, J. N.	Indiana,	Indiana Co.
1903	LANK, EDGAR W.....	Philadelphia.	
1910	LARRABEE, DON M.	Williamsport,	Lycoming Co.
1908	LARZELERE, JEREMIAH B...	Norristown,	Montgomery Co.
1898	LARZELERE, N. H.....	"	"
1902	LAWS, JAMES W.....	Philadelphia.	
1898	LAZEAR, JESSE T.....	Pittsburgh.	
1897	LAZEAR, THOMAS C.....	"	"
1895	LEAMING, THOMAS.....	Philadelphia.	
1895	LEISER, ANDREW ALBRIGHT.	Lewisburg,	Union Co.
1895	LENAHAN, JOHN T.....	Wilkes-Barre,	Luzerne Co.
1895	LEONARD, FREDERICK M....	Philadelphia.	

Year of Admission		
1898	LESER, OSCAR.....	Baltimore, Md.
1895	LEVI, JULIUS C.....	Philadelphia.
1902	LEVIN, J. SIEGMUND.....	"
1895	LEWIS, FRANCIS D.....	"
1906	LEWIS, GEORGE C.....	Pittsburgh.
1895	LEWIS, WILLIAM DRAPER...	Philadelphia.
1902	LEX, CHARLES E.....	"
1902	LIGHT, WARREN G.....	Lebanon, Lebanon Co.
1901	LINDSEY, EDWARD.....	Warren, Warren Co.
1895	LINDSEY, R. H.....	Richmond, Va.
1907	LINN, ANDREW M.....	Washington, Washington Co.
1897	LINN, PHILIP B.....	Lewisburg, Union Co.
1902	LINN, WILLIAM B.....	Philadelphia.
1901	LITTLE, ALVIN L.....	Bedford, Bedford Co.
1896	LITTLE, P. J.....	Ebensburg, Cambria Co.
1909	LIVINGOOD, FRANK S.....	Reading, Berks Co.
1911	LLOYD, GEORGE E.....	Mechanicsburg, Cumberland Co.
1902	LLOYD, MALCOLM, JR.....	Philadelphia.
1911	LOEB, CLARENCE.....	"
1901	LOGUE, J. WASHINGTON....	"
1902	LOOSE, JACOB C.....	Mauch Chunk, Carbon Co.
1895	LOWREY, DWIGHT M.	Philadelphia.
1904	LOYD, WILLIAM H., JR....	"
1910	LUDLOW, BENJAMIN H. ...	"
1895	LUKENS, WILLIAM H. R...	"
1899	LYLE, FRANKLIN L.....	"
1895	LYON, WALTER	Pittsburgh.
1902	MACCAIN, CHRISTIAN S....	Philadelphia.
1902	MACDADE, A. D.....	Chester, Delaware Co.
1909	MACELDOWNNEY, W. A.....	Philadelphia.
1904	MACFARLAND, LEO.....	"
1895	MACFARLANE, JAMES R.....	Pittsburgh.
1901	MACLEAN, WILLIAM, JR...	Philadelphia.
1896	MACRUM, WILLIAM.....	Pittsburgh.
1896	MAFFETT, JAMES T.....	Clarion, Clarion Co.
1895	MAGILL, EDWARD W.....	Philadelphia.
1910	MAGUIRE, FRANCIS L.....	"
1904	MANDEL, DAVID, JR.....	"
1902	MARRON, JOHN.....	Pittsburgh.
1906	MARSH, H. F.....	Wellsboro, Tioga Co.
1906	MARSH, JOHN CRETH.....	Philadelphia.
1910	MARTIN, J. FREDERICK	"
1895	MARTIN, J. NORMAN.....	New Castle, Lawrence Co.
1895	MARTIN, J. WILLIS.....	Philadelphia.

Year of Admission		
1904	MASON, WILLIAM CLARK...	Philadelphia.
1904	MATLACK, SAMUEL D.	"
1896	MAUGER, DAVID F.	Reading,
1896	MAXWELL, HENRY D.	Easton,
1895	MAXWELL, ROBERT D.	Philadelphia.
1895	MAXWELL, WILLIAM.	Towanda,
1899	MAYER, CLINTON O.	Philadelphia.
1910	McADAMS, FRANCIS M. ...	"
1910	McAVOY, CHARLES D.	Norristown,
1898	McCALL, JAMES ST. CLAIR..	York,
1902	McCALL, WILLIAM E., JR..	Philadelphia.
1895	McCARRELL, SAMUEL J. M..	Harrisburg,
1904	McCARTHY, HENRY A.	Philadelphia.
1895	McCLAY, SAMUEL.	Pittsburgh.
1896	McCLINTOCK, ANDREW H..	Wilkes-Barre,
1911	McCLOSKEY, THOMAS D....	Pittsburgh.
1895	McCLUNG, S. A.	"
1911	McCLUNG, SAMUEL A., JR. .	"
1895	McCLUNG, WILLIAM H....	"
1895	McCLURE, HAROLD M.	Lewisburg,
1896	McCOLLIN, EDWARD G.	Philadelphia.
1903	McCONNEL, WILLIAM A....	Beaver,
1897	McCONNELL, A. D.	Greensburg,
1895	McCORMICK, HENRY B....	Harrisburg,
1895	McCORMICK, SETH T.	Williamsport,
1909	McCORMICK, SETH T., JR..	"
1895	McCOUCH, H. GORDON....	Philadelphia.
1903	McCoy, JOSEPH D.	"
1908	McCREERY, J. R.	Pittsburgh.
1895	McCULLEN, JOSEPH P.	Philadelphia.
1911	McCULLOUGH, C. J.	Altoona,
1906	McDONALD, GEORGE M....	Reynoldsville,
1903	McELROY, ROBERT T.	Pittsburgh.
1902	McENERY, M. J.	Philadelphia.
1895	McGIRR, FRANK C.	Pittsburgh.
1904	McGLATHERY, THOMAS D..	Philadelphia.
1901	McILHENNY, FRANCIS S...	"
1895	McILVAINE, JOHN A.	Washington,
1904	McINNES, WALTER S.	Philadelphia.
1897	McKEE, CHARLES H.	Pittsburgh.
1903	McKEEHAN, CHARLES L....	Philadelphia.
1906	McKEEHAN, JOSEPH P....	Carlisle,
1897	McKELVY, J. E.	Pittsburgh.
1895	McKENNA, CHARLES F....	"
		Berks Co.
		Northampton Co.
		Bradford Co.
		Montgomery Co.
		York Co.
		Dauphin Co.
		Luzerne Co.
		Union Co.
		Beaver Co.
		Westmoreland Co.
		Dauphin Co.
		Lycoming Co.
		"
		Blair Co.
		Jefferson Co.
		Washington Co.
		Cumberland Co.

Year of Admission		
1911	McKENNA, EDWARD, JR.....	Pittsburgh.
1895	McKENNAN, JOHN D.....	"
1895	McKILLIP, H. A.....	Bloomsburg, Columbia Co.
1905	McMEEN, ROBERT.....	Mifflintown, Juniata Co.
1902	McMICHAEL, CHARLES B....	Philadelphia.
1908	McMULLAN, JAMES.....	"
1902	McNEAL, J. H.....	"
1895	McPHERSON, JOHN B.....	"
1897	McSHERRY, WILLIAM, JR..	Gettysburg, Adams Co.
1902	MEAD, GLENN C.....	Philadelphia.
1902	MEAGHER, THOMAS J.....	"
1902	MEHARD, S. S.....	Pittsburgh.
1895	MEIGS, WILLIAM M.....	Philadelphia.
1895	MELLORS, JOSEPH.....	"
1895	MERCUR, RODNEY A.....	Towanda, Bradford Co.
1907	MERRICK, GEORGE W.....	Wellsboro, Tioga Co.
1895	MERRILL, JOHN HOUSTON..	Philadelphia.
1895	MERVINE, NICHOLAS P.....	Altoona, Blair Co.
1896	MESTREZAT, S. LESLIE....	Uniontown, Fayette Co.
1911	MEYER, SAMUEL T.....	Lebanon, Lebanon Co.
1895	MEYERS, WILLIAM K.....	Harrisburg, Dauphin Co.
1902	MICHENER, E. O.....	Philadelphia.
1904	MIDDLETON, ALLEN C.....	"
1901	MIDDLETON, WILLIAM H....	Harrisburg, Dauphin Co.
1910	MILLER, ALFRED S.	Philadelphia.
1895	MILLER, E. SPENCER.....	"
1907	MILLER, FREDERICK W.....	Pittsburgh.
1906	MILLER, JOHN FABER.....	Norristown, Montgomery Co.
1896	MILLER, J. J.....	Pittsburgh.
1911	MILLER, PHILIPPUS W.....	Philadelphia.
1910	MILLIGAN, OSWALD M.	"
1895	MINER, SIDNEY R.....	Wilkes-Barre, Luzerne Co.
1895	MINOR, WILLIAM E.....	Pittsburgh.
1904	MIRKIL, I. HAZELTON.....	Philadelphia.
1895	MITCHELL, EHRMAN B.....	Harrisburg, Dauphin Co.
1898	MITCHELL, H. WALTON....	Pittsburgh.
1900	MITCHELL, JAMES T.....	Philadelphia.
1904	MITCHESON, JOS. MACG....	"
1903	MOISE, ALBERT L.....	"
1900	MONRO, WILLIAM L.....	Pittsburgh.
1902	MONTGOMERY, W. M.....	Philadelphia.
1904	MONTGOMERY, W. W., JR..	"
1895	MOORE, ALFRED.....	"
1902	MOORE, H. W.....	"

Year of Admission		
1911	MOORE, SPRINGER H.	Philadelphia.
1895	MOORE, WINFIELD S.	Beaver, Beaver Co.
1906	MOORHEAD, FOREST G.	" "
1895	MOORHEAD, JAMES S.	Greensburg, Westmoreland Co.
1897	MORGAN, CHARLES E., JR. .	Philadelphia.
1905	MORRIS, ROLAND S.	"
1895	MORRIS, WILLIAM.	"
1902	MORRIS, W. NORMAN.	"
1902	MORRIS, WILLIAM S.	"
1895	MOYER, JOSEPH W.	Pottsville, Schuylkill Co.
1895	MULHEARN, EDWARD M.	Mauch Chunk, Carbon Co.
1910	MULLIN, J. E.	Kane, McKean Co.
1895	MUNSON, C. LA RUE.	Williamsport, Lycoming Co.
1908	MUNSON, GEORGE S.	Philadelphia.
1898	MURPHY, JOHN A.	Pittsburgh.
1902	MURPHY, J. JOSEPH.	Philadelphia.
1895	MURPHY, ROBERT S.	Johnstown, Cambria Co.
1909	MURPHY, THOS. E.	Philadelphia.
1903	MURRAY, JAMES V.	Brookville, Jefferson Co.
1895	MYERS, H. H.	Ebensburg, Cambria Co.
1902	MYERS, HARRY RUSSELL. .	Washington, Washington Co.
1902	NAUMAN, JOHN A.	Lancaster, Lancaster Co.
1906	NEELY, J. HOWARD.	Mifflintown, Juniata Co.
1896	NEEFER, A. M.	Pittsburgh.
1905	NEFF, GEORGE E.	York, York Co.
1896	NEILSON, WILLIAM D.	Philadelphia.
1897	NEVIN, D. W.	Easton, Northampton Co.
1902	NEWBOURG, FREDERICK C., JR.	Philadelphia.
1911	NEWLIN, WILLIAM E.	McKeesport, Allegheny Co.
1895	NICHOLS, H. S. PRENTISS .	Philadelphia.
1895	NILES, HENRY C.	York, York Co.
1895	NISSLEY, JOHN C.	Harrisburg, Dauphin Co.
1899	NORRIS, G. HEIDE.	Philadelphia.
1908	NORRIS, WILLIAM F.	"
1909	NORTH, HUGH M.	Lancaster, Lancaster Co.
1910	O'BRIEN, CHARLES A.	Pittsburgh.
1895	O'CONNOR, FRANCIS J.	Johnstown, Cambria Co.
1905	O'CONNOR, JAMES B.	"
1895	OLMSTED, MARLIN E.	Harrisburg, Dauphin Co.
1907	OMWAKE, J. S.	Shippensburg, Cumberland Co.
1895	OMWAKE, W. T.	Waynesboro, Franklin Co.
1895	ORAM, W. H. M.	Shamokin, Northumberland Co.
1895	ORLADY, GEORGE B.	Huntingdon, Huntingdon Co.
1907	ORLEMANN, HENRY P.	Philadelphia.

Year of Admission		
1895	ORR, CHARLES P.....	Pittsburgh.
1895	ORVIS, ELLIS L.....	Bellefonte, Centre Co.
1895	OSBURN, FRANK C.....	Pittsburgh.
1895	OSMER, J. H.....	Franklin, Venango Co.
1895	OTT, FREDERICK M.....	Harrisburg, Dauphin Co.
1902	PACKER, GIBSON D.....	Pittsburgh.
1895	PAGE, HOWARD W.....	Philadelphia.
1895	PAGE, S. DAVIS.....	"
1898	PAINTER, JOHN H.....	Kittanning, Armstrong Co.
1898	PALMER, A. MITCHELL....	Stroudsburg, Monroe Co.
1895	PALMER, H. W.....	Wilkes-Barre, Luzerne Co.
1910	PARKINSON, THOMAS I. ...	Philadelphia.
1896	PATTERSON, G. STUART....	"
1895	PATTERSON, JOHN E.....	Harrisburg, Dauphin Co.
1906	PATTERSON, JOHN M.....	Philadelphia.
1895	PATTERSON, ROSWELL H....	Scranton, Lackawanna Co.
1895	PATTERSON, T. ELLIOTT....	Philadelphia.
1895	PATTERSON, THOMAS.....	Pittsburgh.
1896	PAUL, J. RODMAN.....	Philadelphia.
1895	PENNELL, F. M. M.....	Mifflintown, Juniata Co.
1898	PENNEWILL, WALTON.....	Philadelphia.
1896	PENNYPACKER, SAMUEL W.	P'nypacker's Mills, Montgomery Co.
1895	PENROSE, BOIES.....	Philadelphia.
1904	PEPPER, B. FRANKLIN.....	"
1895	PEPPER, GEORGE WHARTON..	"
1895	PERKINS, EDWARD L.....	"
1901	PETTIT, HORACE.....	"
1900	PETTY, ROBERT B.....	Pittsburgh.
1895	PHILLIPS, ALFRED I.....	Philadelphia.
1895	PIATT, JAMES W.....	Tunkhannock, Wyoming Co.
1902	PILE, CHARLES H.....	Philadelphia.
1903	PLAYFORD, ROBERT W.....	Uniontown, Fayette Co.
1907	PLACE, ALBERT R.....	Lansdale, Montgomery Co.
1895	PLUMER, L. M.....	Pittsburgh.
1895	PORTER, WILLIAM D.....	"
1898	PORTER, WM. WAGENER....	Philadelphia.
1895	POTTER, SHELDON.....	"
1910	POWELL, HUMBERT B.	"
1895	PRICE, SAMUEL B.....	Scranton, Lackawanna Co.
1895	PRICHARD, FRANK P.....	Philadelphia.
1895	PUGH, JAMES L.....	Somerset, Somerset Co.
1902	PUSEY, FREDERICK T.....	Philadelphia.
1902	RALSTON, ROBERT.....	"
1910	RAMBO, ORMOND	"
1895	RAMSEY, SAMUEL D.....	West Chester, Chester Co.

Year of Admission		
1895	RAWLE, FRANCIS	Philadelphia.
1902	RAYMOND, EUGENE.....	"
1895	READ, JOHN R.....	"
1895	READING, JOHN G.....	Williamsport, Lycoming Co.
1902	REATH, THEODORE W.....	Philadelphia.
1902	REATH, THOMAS	"
1902	REBER, J. HOWARD	"
1895	REED, JAMES H.....	Pittsburgh.
1896	REED, JOHN W.....	Brookville, Jefferson Co.
1895	REED, JOSEPH A.....	Philadelphia.
1902	REEVES, FREDERICK R.....	"
1896	REID, ALFRED P.....	West Chester, Chester Co.
1910	REID, ARTHUR P.	"
1909	REILEY, DONALD CRESS....	Bedford, Bedford Co.
1908	REILLY, PAUL	Philadelphia.
1904	REILLY, RICHARD M.....	Lancaster, Lancaster Co.
1906	REINEMAN, ROBERT T.....	Pittsburgh.
1903	REMAK, GUSTAVUS, JR....	Philadelphia.
1895	REPPERT, E. H.....	Uniontown, Fayette Co.
1895	REX, WALTER E.....	Philadelphia.
1905	REYNOLDS, JOHN M.....	Bedford, Bedford Co.
1910	RHEY, JOHN M.	Carlisle, Cumberland Co.
1895	RHOADS, JOSEPH R.....	Philadelphia.
1896	RICE, CHARLES E.....	Wilkes-Barre, Luzerne Co.
1897	RICE, WILLIAM E.....	Warren, Warren Co.
1895	RICHARDS, LOUIS.....	Reading, Berks Co.
1904	RIDGWAY, THOMAS	Philadelphia.
1902	RILLING, JOHN S.....	Erie, Erie Co.
1908	ROADS, GEORGE M.....	Pottsville, Schuylkill Co.
1895	ROBBINS, EDWARD E.....	Greensburg, Westmoreland Co.
1908	ROBERTS, C. WILSON.....	Philadelphia.
1896	ROBERTS, GEORGE L.....	Pittsburgh.
1901	ROBERTS, OWEN J.....	Philadelphia.
1902	ROBINSON, D. STEWART....	"
1910	ROBINSON, J. ROHRMAN ...	Media, Delaware Co.
1895	ROBINSON, V. GILPIN.....	Philadelphia.
1911	ROBINSON, WILLIAM M....	Pittsburgh.
1896	RODGERS, W. B.....	"
1902	RODMAN, WALTER C.....	Philadelphia.
1909	ROGERS, JAMES S.....	"
1908	ROSE, DON.....	Sewickley, Allegheny Co.
1895	ROSE, WILLIAM HORACE....	Johnstown, Cambria Co.
1906	ROSENBERGER, EMIL.....	Philadelphia.
1895	ROSENZWEIG, L.....	Erie, Erie Co.

Year of Admission		
1908	ROSS, GEORGE	Doylestown, Bucks Co.
1896	ROSS, N. SARGENT.....	York, York Co.
1902	ROSS, THOMAS	Doylestown, Bucks Co.
1908	ROTAN, SAMUEL P.....	Philadelphia.
1895	ROTHERMEL, P. F., JR.....	"
1906	ROURKE, WILLIAM J.....	Reading, Berks Co.
1902	ROUSE, JOHN L.....	York, York Co.
1895	ROWE, D. WATSON.....	Chambersburg, Franklin Co.
1904	RUEL, CHRISTIAN H.....	Reading, Berks Co.
1895	RUMSEY, HORACE M.....	Philadelphia.
1910	RUNK, LOUIS BARCROFT ...	"
1897	RUFLEY, ARTHUR R.....	Carlisle, Cumberland Co.
1895	RUPPEL, W. H.....	Somerset, Somerset Co.
1902	RYAN, MICHAEL J.....	Philadelphia,
1903	RYAN, WILLIAM C.....	Doylestown, Bucks Co.
1896	RYON, WILLIAM W.....	Shamokin, Northumberland Co.
1903	SANDO, M. F.....	Scranton, Lackawanna Co.
1902	SANSON, ALBERT W.....	Philadelphia.
1906	SAUL, WALTER BIDDLE	"
1900	SAVIDGE, FRANK R.....	"
1895	SAVIDGE, JOSEPH.....	"
1911	SAYERS, ALBERT H.....	Waynesburg, Greene Co.
1895	SAYERS, JAMES E.....	"
1910	SAYRE, CHARLES H.....	Philadelphia.
1895	SCANDRETT, RICHARD B.....	Pittsburgh.
1899	SCARBOROUGH, HENRY W...	Philadelphia.
1895	SCHAFER, JOHN D.....	Pittsburgh.
1898	SCHAFER, WILLIAM I.....	Chester, Delaware Co.
1895	SCHAEFFER, D. NICHOLAS...	Reading, Berks Co.
1909	SCHAEFFER, E. CARROLL.....	"
1909	SCHAEFFER, HARRY D.....	"
1909	SCHAEFFER, ISALAH.....	Altoona, Blair Co.
1905	SCHMIDT, GEORGE S.....	York, York Co.
1898	SCHOFIELD, CHARLES S.....	Philadelphia.
1903	SCHOFIELD, JOSEPH A.....	Warren, Warren Co.
1900	SCHOONMAKER, FRED. P....	Bradford, McKean Co.
1911	SCHULTZ, THOMAS S.....	Pittsburgh.
1908	SCHWARTZ, SYDNEY A.....	Titusville, Crawford Co.
1895	SCOTT, HENRY J.....	Philadelphia.
1895	SCOTT, JOHN, JR.....	"
1895	SCOTT, JOHN M.....	"
1911	SCOTT, SAMUEL B.....	"
1896	SCULL, EDWARD B.....	Pittsburgh.
1911	SCULLY, CORNELIUS D.....	"

Year of Admission		
1895	SEARLE, ALONZO T.....	Honesdale, Wayne Co.
1904	SEIBERLICH, EDWARD B....	Philadelphia.
1895	SEIBERT, WILLIAM N.....	New Bloomfield, Perry Co.
1900	SEITZ, DANIEL S.....	Harrisburg, Dauphin Co.
1908	SEYMOUR, WARREN I.....	Pittsburgh.
1900	SHAFFER, NOAH W.....	"
1902	SHAPLEY, E. COOPER.....	Philadelphia.
1896	SHARKEY, FRANK P.....	Mauch Chunk, Carbon Co.
1895	SHARPE, WALTER K.....	Chambersburg, Franklin Co.
1901	SHATTUCK, FRANK R.....	Philadelphia.
1896	SHAW, GEORGE E.....	Pittsburgh.
1906	SHICK, ROBERT P.....	Philadelphia.
1895	SHIELDS, A. S. L.....	"
1895	SHIELDS, JAMES M.....	Pittsburgh.
1896	SHIRAS, W. K.....	"
1895	SHIRK, HOWARD C.....	Lebanon, Lebanon Co.
1908	SHOEMAKER, HARRY J.....	Doylestown, Bucks Co.
1895	SHOEMAKER, HOMER.....	Harrisburg, Dauphin Co.
1899	SHOEMAKER, WILLIAM H...	Philadelphia.
1909	SHOMO, WILLIAM ALFRED...	Reading, Berks Co.
1895	SHOPP, JOHN H.....	Harrisburg, Dauphin Co.
1895	SHOYER, FREDERICK J.....	Philadelphia.
1907	SHREVE, MILTON W.....	Erie, Erie Co.
1904	SHULL, S. E.....	Stroudsburg, Monroe Co.
1895	SIMPSON, ALEX., JR.....	Philadelphia.
1902	SINN, JOSEPH A.....	Scranton, Lackawanna Co.
1904	SINNICKSON, CHARLES.....	Philadelphia.
1902	SISSON, A. E.....	Erie, Erie Co.
1902	SLATTERY, JOSEPH A.....	Philadelphia.
1895	SMALL, CHRISTIAN A.....	Bloomsburg, Columbia Co.
1895	SMEAD, A. D. BACHE.....	Carlisle, Cumberland Co.
1895	SMILEY, CHARLES H.....	New Bloomfield, Perry Co.
1899	SMITH, A. B., JR.....	Montrose, Susquehanna Co.
1895	SMITH, ALFRED PERCIVAL...	Philadelphia.
1895	SMITH, ALLISON O.....	Clearfield, Clearfield Co.
1895	SMITH, EDWIN W.....	Pittsburgh.
1895	SMITH, EDWIN Z.....	"
1901	SMITH, EUGENE G.....	Lancaster, Lancaster Co.
1895	SMITH, LEWIS LAWRENCE..	Philadelphia.
1902	SMITH, R. STUART.....	"
1904	SMITH, THOMAS KILBY....	"
1895	SMITH, WALTER GEORGE....	"
1895	SMITH, WILLIAM RUDOLPH..	"
1899	SMITHERS, WILLIAM W....	"

Year of Admission		
1902	SMYTH, DAVID J.....	Philadelphia.
1905	SMYTH, WILLIAM J.....	"
1908	SNODGRASS, FRANK P.....	Harrisburg, Dauphin Co.
1895	SNODGRASS, ROBERT.....	"
1895	SNYDER, EUGENE.....	"
1903	SNYDER, JOHN E.....	Lancaster, Lancaster Co.
1897	SNYDER, J. FRANK.....	New York City.
1909	SNYDER, THOS. LAEGER.....	Reading, Berks Co.
1910	SOBERNHEIMER, FRED. A....	Philadelphia.
1910	SOBERNHEIMER, FRED. A., Jr.	"
1898	SOLLY, WILLIAM F.....	Norristown, Montgomery Co.
1910	SPALDING, HENRY	Philadelphia.
1895	SPARHAWK, JOHN, JR.....	"
1910	SPEER, PETER M.	Oil City. Venango Co.
1895	SPROUT, CLARENCE E.....	Williamsport, Lycoming Co.
1895	STAAKE, WILLIAM H.....	Philadelphia.
1904	STAAKE, WILLIAM W.....	"
1895	STADTFELD, JOSEPH.....	Pittsburgh.
1895	STAMM, A. CARSON.....	Harrisburg, Dauphin Co.
1895	STAPLES, CHARLES B.....	Stroudsburg, Monroe Co.
1908	STAUFFER, RANDOLPH	Reading, Berks Co.
1895	STEELE, H. J.....	Easton, Northampton Co.
1911	STEININGER, CLOYD.....	Lewisburgh, Union Co.
1895	STENGER, WILLIAM S.....	Philadelphia.
1895	STERRETT, JAMES R.....	Pittsburgh.
1900	STEVENS, WILLIAM KERPER.	Reading, Berks Co.
1909	STEWART, DANIEL A.....	Philadelphia.
1896	STEWART, JOHN.....	Chambersburg, Franklin Co.
1895	STEWART, RUSSELL C.....	Easton, Northampton Co.
1895	STEWART, W. F. BAY.....	York, York Co.
1902	STEWART, WILLIAM M., Jr.	Philadelphia.
1910	STOCKWELL, HERBERT G....	"
1895	STOEVEER, WILLIAM C.....	"
1900	STONE, CHARLES W.....	Warren, Warren Co.
1911	STONECIPHER, FRANK W....	Pittsburgh.
1910	STOTZ, ROBERT A.....	Easton, Northampton Co.
1902	STOUT, MAHLON H.....	Doylestown, Bucks Co.
1899	STRAUSS, S. J.....	Wilkes-Barre, Luzerne Co.
1895	STRAWBRIDGE, JOSEPH R....	York, York Co.
1901	STRITE, J. A.....	Chambersburg, Franklin Co.
1904	STROH, CHARLES C.....	Harrisburg, Dauphin Co.
1910	STRONG, JOHN M.	Philadelphia.
1908	STUART, ROBERT L.....	Allentown, Lehigh Co.

Year of
Admission

1907	STURGEON, DANIEL.....	Uniontown,	Fayette Co.
1911	STURGIS, WILLIAM J.	"	"
1896	STUTZBACH, MARTIN H.....	Philadelphia.	
1909	SULLIVAN, J. AUSTIN.....	Altoona,	Blair Co.
1910	SUTTON, ISAAC C.	Philadelphia.	
1908	SUTTON, ROBERT WOODS	Pittsburgh.	
1896	SUTTON, W. HENRY.....	Philadelphia.	
1904	SWARTLEY, FRANCIS K.....	"	
1905	SWARTLEY, JOHN C.....	Doylestown,	Bucks Co.
1899	SWARTZ, AARON S.....	Norristown,	Montgomery Co.
1896	SWEARINGEN, J. M.....	Pittsburgh.	
1903	SWOOPÉ, ROLAND D.....	Curwensville,	Clearfield Co.
1902	TAIT, EDWIN E.....	Bradford,	McKean Co.
1910	TALBOT, WALTER S.	West Chester,	Chester Co.
1900	TAULANE, JOSEPH H.....	Philadelphia.	
1895	TAYLOR, CARTER BERKELEY..	"	
1895	TAYLOR, JAMES F.....	Washington,	Washington Co.
1902	TAYLOR, JOSEPH T.....	Philadelphia.	
1902	TAYLOR, SAMUEL J.....	"	
1906	TELFORD, S. J.....	Indiana,	Indiana Co.
1902	TEMPLETON, ALEXANDER M.	Washington,	Washington Co.
1900	TEMPLETON, E. S.....	Greenville,	Mercer Co.
1895	TERRY, CHARLES E.....	Tunkhannock,	Wyoming Co.
1895	TERRY, HENRY C.....	Philadelphia.	
1902	THOLE, FRANCIS H.....	"	
1896	THOMAS, SAMUEL HINDS..	"	
1904	THOMPSON, A. M.....	Pittsburgh.	
1900	THOMPSON, HENRY C., JR..	Philadelphia.	
1898	THOMPSON, J. WHITAKER..	"	
1900	THOMPSON, S. HARVEY.....	Pittsburgh.	
1896	THORPE, CHARLES M.....	"	
1911	TINKER, H. G.....	"	
1896	TODD, HENRY C.....	"	
1895	TODD, M. HAMPTON.....	Philadelphia.	
1896	TORREY, JAMES H.....	Scranton,	Lackawanna Co.
1897	TOWNSEND, J. B., JR.....	Philadelphia.	
1900	TRACEY, HENRY M.....	"	
1899	TREXLER, FRANK M.....	Allentown,	Lehigh Co.
1895	TRICKETT, WILLIAM.....	Carlisle,	Cumberland Co.
1907	TRIMBLE, THOMAS P.....	Allegheny City,	Allegheny Co.
1902	TURNER, WILLIAM J.....	Philadelphia.	
1900	TUSTIN, ERNEST L.....	"	
1895	UHL, JOHN H.....	Somerset,	Somerset Co.
1895	UMBEL, ROBERT E.....	Uniontown,	Fayette Co.

Year of Admission		
1907	VAILL, EDWARD B.....	Pittsburgh.
1906	VALE, RUBY R.....	Philadelphia.
1902	VANDERSLOOT, JOHN E....	York, York Co.
1895	VAN DUSEN, GEORGE R....	Philadelphia.
1896	VAN HORN, CHARLES F....	"
1899	VON MOSCHZISKER, ROBERT.	"
1904	WAGNER, GEORGE M.....	"
1909	WAGNER, GEORGE W.....	Reading, Berks Co.
1907	WALKER, W. HARRISON....	Bellefonte, Centre Co.
1908	WALKER, WINFIELD S.....	Philadelphia.
1902	WALLACE, W. S.....	"
1897	WALLACE, WILLIAM D....	New Castle, Lawrence Co.
1901	WALLER, LEVI E.....	Wilkes-Barre, Luzerne Co.
1900	WALLING, EMORY A.....	Erie, Erie Co.
1902	WALSH, ALPHONSUS.....	Dushore, Sullivan Co.
1895	WALTER, CHARLES.....	Chambersburg, Franklin Co.
1895	WALTON, DANIEL S.....	Waynesburg, Greene Co.
1900	WANGER, IRVING P.....	Norristown, Montgomery Co.
1895	WARREN, EVERETT.....	Scranton, Lackawanna Co.
1905	WASSON, HENRY GRANT...	Pittsburgh.
1902	WATERS, ASA WILSON	Cambridge, Mass. Philadelphia.
1895	WATRES, LOUIS ARTHUR...	Scranton, Lackawanna Co.
1895	WATSON, D. T.....	Pittsburgh.
1898	WATSON, HENRY W.....	Williamsport, Lycoming Co.
1902	WATSON, JAMES C.....	"
1900	WATTERSON, A. V. D.....	Pittsburgh.
1896	WAY, WILLIAM A.....	"
1898	WEAND, HENRY K.....	Norristown, Montgomery Co.
1896	WEAVER, JOHN.....	Philadelphia.
1895	WEIDMAN, GRANT.....	Lebanon, Lebanon Co.
1904	WEIL, ARTHUR E.....	Philadelphia.
1895	WEIL, A. LEO.....	Pittsburgh.
1895	WEIMER, ALBERT B.....	Philadelphia.
1900	WEISS, JOHN FOX.....	Harrisburg, Dauphin Co.
1910	WELLER, JOHN S.	Pittsburgh.
1895	WELLES, CHARLES H.....	Scranton, Lackawanna Co.
1910	WESLEY, CHARLES S.	Philadelphia.
1895	WETHERILL, CHARLES.....	"
1901	WETHERILL, JOHN LAW- RENCE.....	"
1895	WETZEL, JOHN W.....	Carlisle, Cumberland Co.
1903	WEYAND, EDWIN S.....	Beaver, Beaver Co.
1895	WHITE, ELIAS H.....	Philadelphia.

Year of
Admission

1895	WHITE, HARRY.....	Indiana,	Indiana Co.
1902	WHITE, JOHN J.....	Philadelphia.	
1902	WHITE, THOMAS EARLE....	"	
1903	WHITE, THOMAS RAEBURN.	"	
1895	WHITE, WILLIAM, JR.....	"	
1897	WHITEHEAD, HARVEY W...	Williamsport,	Lycoming Co.
1895	WHITTELSEY, E. L.....	Erie,	Erie Co.
1911	WHITTEN, CHARLES E.....	Greensburg,	Westmoreland Co.
1895	WICKERSHAM, FRANK B...	Harrisburg,	Dauphin Co.
1895	WILCOX, WILLIAM A.....	Scranton,	Lackawanna Co.
1896	WILER, ALFRED DAY.....	Philadelphia.	
1900	WILEY, J. A.....	Washington,	Washington Co.
1907	WILLARD, WALTER.....	Philadelphia.	
1899	WILLIAMS, A. L.....	Wilkes-Barre,	Luzerne Co.
1897	WILLIAMS, ANDREW G....	Butler,	Butler Co.
1899	WILLIAMS, IRA JEWELL....	Philadelphia.	
1895	WILLIAMS, J. HENRY.....	"	
1904	WILLIAMS, PARKER S.....	"	
1896	WILLIAMS, SMYSER.....	York,	York Co.
1904	WILLIAMS, THOMAS S....	Philadelphia.	
1902	WILSON, HARRY R.....	Clarion,	Clarion Co.
1895	WILSON, HENRY.....	Honesdale,	Wayne Co.
1897	WILSON, HENRY I.....	Big Run,	Jefferson Co.
1907	WILSON, JOSEPH R.....	Philadelphia.	
1901	WILSON, W. C.....	"	
1910	WILSON, WILLIAM H.	"	
1895	WILTBANK, WILLIAM W...	"	
1910	WINDLE, FREDERICK F.	"	
1895	WINTERNITZ, B. A.....	New Castle,	Lawrence Co.
1895	WINTERSTEEN, A. H.....	Philadelphia.	
1895	WISE, J. H.....	Pittsburgh.	
1905	WISHART, WILLIAM W....	"	
1910	WOLFE, GEORGE E.	Johnstown,	Cambria Co.
1899	WOLFF, OTTO.....	Philadelphia.	
1908	WOOD, CLEMENT B.....	"	
1895	WOOD, R. FRANCIS.....	"	
1895	WOODRUFF, CLINTON ROGERS.	"	
1897	WOODS, CYRUS E.....	Greensburg,	Westmoreland Co.
1895	WOODS, JOSEPH M.....	Lewistown,	Mifflin Co.
1911	WOODWARD, GRAHAM C....	Philadelphia.	
1898	WOODWARD, J. B.....	Wilkes-Barre,	Luzerne Co.
1899	WRIGHT, GEORGE R.....	"	
1910	YEAKLE, J. MORRIS	Philadelphia.	

Year of
Admission

1895	YERKES, HARMAN	Doylestown,	Bucks Co.
1904	YOST, DONALD H.	York,	York Co.
1895	YOUNG, JAMES S.	Pittsburgh.	
1901	YOUNG, SYDNEY	Philadelphia.	
1904	ZIEGLER, CHARLES F.	"	
1908	ZIEGLER, FRANK E.	Harrisburg,	Dauphin Co.
1911	ZIMMERMAN, S. R.	Lancaster,	Lancaster Co.
1898	ZUG, CHARLES K.	Philadelphia.	

LIST OF MEMBERS DECEASED SINCE ORGANIZATION OF ASSOCIATION

Year of Admission		
1895	WEIDMAN, GRANT.....	Lebanon, Died November, 1895.
1895	ORR, GRIER C.....	" November 17, 1895.
1895	WIREMAN, HENRY D.....	" May 30, 1896.
1895	NEILL, SAMUEL T.....	" August, 1896.
1895	TITUS, HENRY C.....	" August 10, 1896.
1895	RATHBUN, GEORGE A.....	" September 18, 1896.
1895	SCOTT, HON. JOHN.....	" December, 1896.
1895	MARSHALL, F. F.....	" February, 1897.
1896	LANDIS, HON. AUG. S.....	" April, 1897.
1895	BRADEN, J. M.....	" April 17, 1897.
1895	BIDDLE, HON. GEORGE W.....	" April 29, 1897.
1896	WADDELL, HON. WILLIAM B...	" June 3, 1897.
1895	HALL, HON. LOUIS W.....	" July 12, 1897.
1895	MONAGHAN, R. JONES.....	" October 1, 1897.
1895	AMMERMAN, HON. LEMUEL...	" October 7, 1897.
1895	DAVIS, J. ALTON.....	" November 19, 1897.
1895	VALENTINE, JOHN K.....	" January 16, 1898.
1895	NOYES, HON. CHARLES H.....	" February 24, 1898.
1897	WICKHAM, HON. JOHN J.....	" June 18, 1898.
1895	PARSONS, HENRY C.....	" November 21, 1898.
1895	CRAIG, SAMUEL S.....	" December 10, 1898.
1897	BREWSTER, HON. F. CARROLL...	" December 30, 1898.
1895	MERRILL, JESSE.....	" January 14, 1899.
1895	NORRIS, A. WILSON.....	" January 15, 1899.
1895	CUSTIS, ALFRED FRANK.....	" March 30, 1899.
1895	KAUFFMAN, ANDREW J.....	" May 19, 1899.
1895	GILKESON, A. WEIR.....	" June 30, 1899.
1895	BURTON, ARTHUR M.....	" July 22, 1899.
1897	ERMENTROUT, HON. DANIEL...	" September 17, 1899.
1895	MILLER, JACOB H.....	" January 26, 1900.
1898	GUNSTER, HON. FREDERICK W.	" January 30, 1900.
1895	ADDICKS, WILLIAM H.....	" February 24, 1900.
1895	ATLEE, WILLIAM AUGUSTUS...	" February 24, 1900.
1895	VAIL, LEWIS W.....	" March 21, 1900.
1895	METZGER, JOHN J.....	" September 27, 1900.
1895	SLAGLE, HON. JACOB F.....	" September, 1900.
1895	EWING, DAVID Q.....	" October 1, 1900.
1895	BARKLEY, CHARLES G.....	" October 10, 1900.
1896	WHITE, HON. J. W. F.....	" November 4, 1900.
1895	LYONS, HON. JEREMIAH.....	" November 13, 1900.
1895	ALLINSON, EDWARD P.....	" January 16, 1901.
1895	ROCKWELL, DELOS.....	" February 24, 1901.

Year of
Admission

1895	LAMBERTON, WILLIAM B.....	Harrisburg,	Died July 5, 1901.
1896	DARTE, HON. ALFRED.....	Wilkes-Barre,	" July 21, 1901.
1895	MOORE, ARTHUR.....	Philadelphia,	" November, 1901.
1895	HUEY, SAMUEL B.....	"	" November, 1901.
1896	BINGHAM, ED. D.....	West Chester,	" December 28, 1901.
1900	LONG, J. F.....	Doylestown,	" January 3, 1902.
1895	SHOEMAKER, R. C.....	Wilkes-Barre,	" February 17, 1902
1895	HAMILTON, GEORGE P.....	Pittsburgh.	
1895	LOWRY, BENJAMIN H.....	Philadelphia,	" April, 1902.
1895	MC CARRELL, L.....	Washington,	" April, 1902.
1895	JUNKIN, GEORGE.....	Philadelphia,	" April 10, 1902.
1895	MCCORMICK, HON. HENRY C.	Williamsport,	" May 26, 1902.
1895	YARDLEY, ROBERT M.....	Doylestown,	" December 9, 1902.
1895	SIMONTON, HON. J. W.....	Harrisburg,	" February 12, 1903.
1895	DUBOIS, JOHN L.....	Doylestown,	" February 12, 1903.
1895	GREENE, CHARLES S.....	Philadelphia,	" March 24, 1903.
1895	BOWER, CALVIN M.....	Bellefonte,	" April 26, 1903.
1895	ARNOLD, HON. M.....	Philadelphia,	" April 24, 1903.
1899	DICKSON, HAZARD.....	"	" July 13, 1903.
1895	GUILLLOU, VICTOR.....	"	" August 1, 1903
1899	ASHHURST, ROGER.....	"	" August, 1903.
1895	GILKESON, HON. B. FRANK....	Bristol,	" August 14, 1903.
1901	PLAYFORD, WILLIAM H.....	Uniontown,	" September 24, 1903.
1895	BAILEY, HON. JOHN M.....	Huntingdon,	" September 27, 1903.
1896	THOMPSON, JOHN M.....	Butler,	" September, 1903.
1902	PARMLEE, JAMES O.....	Warren.	" September 9, 1903.
1902	STEWART, WILLIAM F.....	Brookville,	" November 9, 1903.
1895	MCCONAHY, JOHN G.....	New Castle,	" November 29, 1903.
1902	ALLSHOUSE, CHARLES E.....	Monessen,	" December 3, 1903.
1895	ESHELMAN, B. FRANK.....	Lancaster,	" December 17, 1903.
1895	NEALE, HON. JAMES B.....	Kittanning,	" December 31, 1903.
1895	MEANS, GEORGE W.....	Brookville,	" February 16, 1904.
1899	DUNCAN, JOHN F.....	Lewisburg,	" February 18, 1904.
1902	GORMAN, JOSEPH A.....	Philadelphia,	" April, 1904.
1895	DALE, RICHARD C.....	"	" May 22, 1904.
1895	GREW, WILLIAM.....	"	" June 10, 1904.
1895	DETWEILER, MEADE D.....	Harrisburg,	" June 18, 1904.
1895	HART, THOMAS, JR.....	Philadelphia,	" July 29, 1904.
1904	SMITHERS, ELIAS P.....	"	" September 16, 1904.
1904	CORSS, D. CHARLES.....	Lock Haven,	" November 29, 1904.
1895	BIERY, JAMES S.....	Allentown,	" December 5, 1904.
1895	ALLEN, HON. GEORGE A.....	Erie,	" February 26, 1905.
1899	WEAVER, P. V.....	Hazleton,	" March 28, 1905.
1895	WHITE, RICHARD P.....	Philadelphia,	" May 22, 1905.
1900	SMITH, FRANK W.....	Pittsburgh,	" June 14, 1905.
1899	MCCUTCHEON, J. L.....	"	" July 16, 1905.

Year of
Admission

1897	ROMMEL, J. MARTIN.....	Philadelphia,	Died August 18, 1905.
1895	LANDIS, JOHN B.....	Carlisle,	" October 31, 1905.
1895	WEISS, HON. JOHN H.....	Harrisburg,	" November 22, 1905.
1895	HOBSON, F. G.....	Norristown,	" January 10, 1906.
1902	HARTRANFT, FRANK A.....	Philadelphia,	" January 18, 1906.
1895	HENDERSON, HON. ROBERT M..	Carlisle,	" January 29, 1906.
1895	SHAPLEY, RUFUS E.....	Philadelphia,	" February 11, 1906.
1905	LITTLE, HON. ROBERT R.....	Bloomsburg,	" February 26, 1906.
1895	SCOTT, WILLIAM.....	Pittsburgh,	" February 27, 1906.
1897	WOODWARD, HON. STANLEY....	Wilkes-Barre,	" March 29, 1906.
1895	WHITE, JOHN NEWTON.....	Pittsburgh,	" March 29, 1906.
1895	DAVIS, HON. G. HARRY.....	Philadelphia,	" April 18, 1906.
1901	COLVILLE, ARTHUR.....	"	" April 19, 1906.
1900	TODD, A. M.....	Washington,	" May 7, 1906.
1895	MAYER, HON. CHARLES A.....	Lock Haven,	" May 18, 1906.
1896	MILLAR, ALBERT.....	Harrisburg,	" May 22, 1906.
1895	MERCER, GEORGE G.....	Philadelphia.	" May 28, 1906.
1903	BYLES, JULIUS.....	Titusville,	" June 19, 1906.
1895	BISPHAM, GEORGE TUCKER....	Philadelphia,	" July 28, 1906.
1896	HANNA, HON. WILLIAM B....	"	" August 4, 1906.
1901	GEHR, HASTINGS.....	Chambersburg,	" August 31, 1906.
1895	MULLIN, EUGENE.....	Bradford,	" September 16, 1906.
1904	WAGNER, CHARLES M.....	Philadelphia,	" March 6, 1906.
1902	KISER, HARVEY S.....	Doylestown.	" December 10, 1906.
1904	KOCHERSPERGER, CLAYTON H....	Philadelphia.	" November 25, 1906
1895	MEREDITH, WILLIAM M.....	"	" November 11, 1906
1897	SECHLER, WILLIAM H.....	Ebensburg,	" December 30, 1906.
1902	VANDERSLICE, THADDEUS L....	Philadelphia,	" January 26, 1907.
1900	SHEEHAN, PATRICK C.....	Conneautville,	" February 24, 1907.
1902	ASHTON, J. HUBLEY.....	Wash'gton, D.C.	" March 14, 1907.
1895	FREEDLEY, ANGELO T.....	Philadelphia,	" May 19, 1907.
1895	HERRIOTT, THOMAS.....	Pittsburgh,	" May 9, 1907.
1900	SPROUL, JAMES W.....	Erie,	" June 9, 1907.
1895	CAPP, HON. THOMAS H.....	Harrisburg,	" July 3, 1907.
1897	MCCORMICK, EDWARD B.....	Greensburg,	" March 18, 1907.
1896	RIDDLE, GEORGE D.....	Pittsburgh,	" March 28, 1907.
1907	PATTERSON, ALEX. A.....	"	" December 3, 1907.
1895	NORTH, HON. HUGH M.....	Lancaster,	" December 20, 1907.
1897	LEE, HON. JAMES W.....	Pittsburgh,	" May 11, 1908.
1904	WARD, JOHN A.....	Philadelphia,	" July 18, 1908.
1899	MELICK, LEONI.....	"	" August 24, 1908.
1899	INNES, R. H.....	"	" September, 1908.
1901	STRAWBRIDGE, WILLIAM C.....	"	" September 20, 1908.
1901	REYNOLDS, ROSS.....	Kittanning,	" October 1, 1908.

Year of
Admission

1895	BUCHER, JOSEPH C.....	Lewisburg,	Died	October 17, 1908.
1900	PETTIT, SILAS W.....	Philadelphia,	"	November 11, 1908.
1895	McLOUGHLIN, EDWARD D.....	"	"	February 1, 1909.
1902	JENKS, GEORGE A.....	Newton,	"	April 2, 1909.
1902	KNITTEL, CHARLES	Philadelphia,	"	April 21, 1909.
1895	CLARK, JOHN A.....	"	"	May 5, 1909.
1908	CARTER, CHARLES GIBBS.....	Pittsburgh,	"	May 14, 1909.
1895	LEASON, MIRVEN F.....	Kittanning,	"	May, 1909.
1895	HART, GAVIN W.....	Philadelphia,	"	June 12, 1909.
1908	RICKERT, J. EDWARD	"	"	June 22, 1909.
1897	BAKEWELL, THOMAS W.....	Pittsburgh,	"	July 7, 1909.
1896	WAITNEIGHT, HARRY P.....	Phoenixville,	"	August 18, 1909.
1895	THOMPSON, HON. SAMUEL G...	Philadelphia,	"	September 10, 1909.
1899	FOSTER, HON. CHARLES D....	Wilkes-Barre,	"	September 28, 1909.
1895	LEISENRING, J. L.....	Altoona,	"	January 23, 1910.
1897	WATTS, EDWARD B.	Carlisle,	"	February 20, 1910.
1895	WILLARD, HON. E. N.....	Scranton,	"	March 2, 1910.
1895	ROGERS, JOHN I.....	Philadelphia,	"	March 13, 1910.
1895	MILLER, N. DuBOIS.....	"	"	March 14, 1910.
1905	GREEN, HORACE P.....	Media,	"	April 4, 1910.
1895	McCAULEY, C. H.....	Ridgway,	"	April 15, 1910.
1901	GOBIN, HON. J. P. S.....	Lebanon,	"	May 1, 1910.
1900	EHRGOOD, HON. ALLEN W....	"	"	May 20, 1910.
1902	KELLY, ROBERT B.....	Philadelphia,	"	May 20, 1910.
1910	HALLAHAN, JOHN W., 3d....	"	"	July 1, 1910.
1895	JOHNSON, WILLIAM F.....	"	"	July 26, 1910.
1896	PEALE, HON. S. R.....	Lock Haven,	"	August 2, 1910.
1895	BROWN, A. M.	Pittsburgh,	"	August 17, 1910.
1909	RODDY, GEORGE BLACK.....	New Bloomfield,	"	September 5, 1910.
1903	McFADDEN, HARRY A.....	Holidaysburg,	"	September 15, 1910.
1895	WOLVERTON, S. P.....	Sunbury,	"	October 25, 1910.
1895	KEATOR, JOHN F.	Philadelphia,	"	November 17, 1910.
1897	HOYT, HON. HENRY M....	Washington, D. C.	"	November 20, 1910.
1907	ULRICH, ALEX N.....	Catasauqua,	"	December 29, 1910.
1895	ASHHURST, RICHARD L.	Philadelphia,	"	
1895	ALRICKS, LEVI B.	Harrisburg,	"	February, 1911.
1902	FOUST, ELLIS E.	Chambersburg,	"	February 23, 1911.
1896	McCleave, JOHNS.....	Pittsburgh,	"	March 14, 1911.
1909	NICOLLS, FREDERICK W.	Reading,	"	May 16, 1911.
1899	ELLIOT, FRANK S.....	Philadelphia,	"	May, 1911.
1895	ANDRE, JOHN K.	Philadelphia,	"	June 11, 1911.
1895	HOSTETTER, ABRAHAM F.	Lancaster,	"	June 15, 1911.
1895	WISTER, WILLIAM ROTCH	Philadelphia,	"	August, 1911.
1895	LLOYD, HON. WILLIAM PENN..	Mechanicsburg,	"	September 20, 1911.
1895	BOYD, A. D.	Uniontown,	"	October 5, 1911.
1902	SCHALCK, A. W.....	Pottsville.	"	October 26, 1911.

OFFICERS FOR THE YEAR 1911-1912

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A. B. HASSLER, Lancaster.

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WILLIAM RIGHTER FISHER, Philadelphia.

ISAAC ASH, Venango.

SECRETARY

WILLIAM H. STAAKE, Philadelphia.

TREASURER

WILLIAM PENN LLOYD, Cumberland.

(Mechanicsburg, Pa.)

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CHRISTIAN H. RUHL, Berks.

RUSSELL C. STEWART, Northampton.

ANDREW A. LEISER, Union.

JAMES I. BROWNSON, Washington.

T. C. HIPPLE, Clinton.

E. L. WHITTELSEY, Erie.

QUINCY A. GORDON, Mercer.

R. STUART SMITH, Philadelphia.

JOHN H. JORDAN, Bedford.

GEORGE CALVERT LEWIS, Allegheny.

J. BUTLER WOODWARD, Luzerne.

JOHN M. STRONG, Philadelphia.

NICHOLAS M. EDWARDS, Lycoming.

ROLAND D. SWOOPE, Clearfield.

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HARRY KELLER, Centre.

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HENRY C. NILES, York.
NATHANIEL EWING, Fayette.
C. LARUE MUNSON, Lycoming.
HENRY J. STEELE, Northampton.
WILLIAM I. SCHAFFER, Delaware.
EDWIN W. SMITH, Allegheny.
S. J. STRAUSS, Luzerne.
EDWARD W. BIDDLE, Cumberland.
ROBERT SNODGRASS, Dauphin.

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JOHN W. WETZEL, Cumberland, *Secretary*.
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WILLIAM W. SMITHERS, Philadelphia.
RICHMOND L. JONES, Berks.
CHARLES M. CLEMENT, Northumberland.
W. S. DALZELL, Allegheny.
G. ROSS ESHLEMAN, Lancaster.
W. A. WILCOX, Lackawanna.

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W. M. HARGEST, Dauphin.
R. F. HOPWOOD, Fayette.
CHESTER N. FARR, Philadelphia.

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ISAAC HESTER, Berks.
WILLIAM D. CROCKER, Lycoming.

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- 28th. *Venango*, L. Ed. J. H. OSMER, Franklin.
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- 31st. *Lehigh*, L. Ed. JAMES B. DESHLER, Allentown.
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- 32nd. *Delaware*, L. Ed. E. H. HALL, Media.
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- 34th. *Susquehanna*, L. Ed. WM. D. B. AINEY, Montrose.
L. Biog. A. B. SMITH, Jr., Montrose.
- 35th. *Mercer*, L. Ed. ALFRED W. WILLIAMS, Sharon.
L. Biog. E. S. TEMPLETON, Greenville.
- 36th. *Beaver*, L. Ed. W. S. MOORE, Beaver.
L. Biog. D. H. STONE, Beaver.
- 37th. *Warren and Forest*, L. Ed. W. E. RICE, Warren.
L. Biog. WATSON D. HINCKLEY, Warren.
- 38th. *Montgomery*, L. Ed. MONTGOMERY EVANS, Norristown.
L. Biog. WILLIAM F. DANNEHOWER, Norristown.
- 39th. *Franklin*, L. Ed. D. WATSON ROWE, Chambersburg.
L. Biog. WILLIAM ALEXANDER, Chambersburg.
- 40th. *Indiana*, L. Ed. J. N. BANKS, Indiana.
L. Biog. HARRY WHITE, Indiana.
- 41st. *Juniata and Perry*, L. Ed. J. HOWARD NEELY, Mifflintown.
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- 42nd. *Bradford*, L. Ed. JOHN C. INGHAM, Towanda.
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- 43rd. *Monroe and Pike*, L. Ed. HENRY J. KOTZ, Stroudsburg.
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- 44th. *Wyoming and Sullivan*, L. Ed. JAS. WILSON PIATT, Tunkhannock.
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L. Biog. R. W. ARCHBALD, Scranton.
- 46th. *Clearfield*, L. Ed. ROLAND D. SWOOPE, Curwensville.
L. Biog. ALLISON O. SMITH, Clearfield.
- 47th. *Cambria*, L. Ed. ROBT. S. MURPHY, Johnstown.
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- 48th. *McKean*, L. Ed. EDWIN E. TAIT, Bradford.
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- 49th. *Centre*, L. Ed. E. L. ORVIS, Bellefonte.
L. Biog. JAMES A. BEAVER, Bellefonte.
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- 51st. *Adams and Fulton*, L. Ed. W. S. ALEXANDER, McConnellsburg.
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- 52nd. *Lebanon*, L. Ed. HOWARD C. SHIRK, Lebanon.
L. Biog. GRANT WEIDMAN, Lebanon.
- 53rd. *Lawrence*, L. Ed. ROBT. K. AIKEN, New Castle.
L. Biog. SAMUEL W. DANA, New Castle.
- 54th. *Jefferson*, L. Ed. JNO. W. REED, Brookville.
L. Biog. CHARLES CORBET, Brookville.
- 55th. *Potter*, L. Ed. JOHN ORMEROD, Coudersport.
L. Biog. A. G. OLMSTED, Coudersport.
- 56th. *Carbon*, L. Ed. JACOB C. LOOSE, Mauch Chunk.
L. Biog. LAIRD H. BARBER, Mauch Chunk.

Chairman

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SPECIAL COMMITTEE ON LEGAL ETHICS

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 CYRUS G. DERR, Berks.
 EDWIN Z. SMITH, Allegheny.

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THOMAS S. BROWN, Allegheny, *Chairman*.
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 J. B. WOODWARD, Luzerne.
 THOMAS PATTERSON, Allegheny.
 W. A. WAY, " } Representing
 GEORGE W. GUTHRIE, " } Allegheny County
 GEORGE E. SHAW, " } Bar Association

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WILLIAM W. SMITHERS, Philadelphia.
WILLIAM H. McCLUNG, Allegheny.
JOHN E. FOX, Dauphin.

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HARRY WHITE, Indiana.
JOHN B. BROOKS, Erie.

SPECIAL COMMITTEE ON REFORM IN TOWNSHIP LAWS

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EDMUND E. KIERNAN, Somerset.
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JERE S. BLACK, York.

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AND TO COMPARATIVE LAW BUREAU
OF AMERICAN BAR ASSOCIATION**

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ROBERT E. UMBEL, Fayette.
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ROBERT P. SHICK, Philadelphia.
ROBERT D. JENKS, Philadelphia.
FRANCIS K. SWARTLEY, Philadelphia.

LIST OF PRESIDENTS

NAME	YEAR	COUNTY
JOHN W. SIMONTON	1895	Dauphin.
SAMUEL DICKSON	1895-1896	Philadelphia.
P. C. KNOX	1896-1897	Allegheny.
WILLIAM U. HENSEL	1897-1898	Lancaster.
STANLEY WOODWARD	1898-1899	Luzerne.
LYMAN D. GILBERT	1899-1900	Dauphin.
WILLIAM SCOTT	1900-1901	Allegheny.
ALEX. SIMPSON, JR.	1901-1902	Philadelphia.
C. LARUE MUNSON	1902-1903	Lycoming.
NATHANIEL EWING	1903-1904	Fayette.
HENRY C. NILES	1904-1905	York.
J. B. COLAHAN, JR.	1905-1906	Philadelphia.
THOMAS PATTERSON	1906-1907	Allegheny.
ROBERT SNODGRASS	1907-1908	Dauphin.
M. HAMPTON TODD	1908-1909	Philadelphia.
GUSTAV A. ENDLICH	1909-1910	Berks.
EDWIN W. SMITH	1910-1911	Allegheny.

LIST OF VICE-PRESIDENTS

NAME	COUNTY	YEAR
W. U. HENSEL	Lancaster.	1895.
J. S. YOUNG	Allegheny.	
ALEX. SIMPSON, JR.	Philadelphia.	
WILLIAM SCOTT	Allegheny.	1895-1896.
ROBERT M. HENDERSON	Cumberland.	
EVERETT WARREN	Lackawanna.	
WILLIAM M. HAYES	Chester.	
S. A. DAVENPORT	Erie.	1896-1897.
RICHARD L. ASHHURST	Philadelphia.	
AUGUSTUS S. LANDIS	Blair.	
A. D. BOYD	Fayette.	
GEORGE F. BAER	Berks.	1897-1898.
WILLIAM N. SEIBERT	Perry.	
J. B. COLAHAN, JR.	Philadelphia.	
WILLIAM J. KOONTZ	Somerset.	1898-1899.
W. RUSH GILLAN	Franklin.	
HENRY C. PARSONS	Lycoming.	
JOHN M. THOMPSON	Butler.	1898-1899.
J. B. COLAHAN, JR.	Philadelphia.	
S. P. WOLVERTON	Northumberland.	
J. A. EVANS	Allegheny.	
SMITH V. WILSON	Clearfield.	1898-1899.
EDWARD J. FOX	Northampton.	

NAME	COUNTY	YEAR
FREDERICK BERTOLETTE	Carbon.	1899-1900.
RICHARD C. DALE	Philadelphia.	
ALEXANDER FARNHAM	Luzerne.	
C. H. MCCAULEY	Elk.	
THOMAS PATTERSON	Allegheny.	
WILLIAM H. STAAKE	Philadelphia.	1900-1901.
EMORY A. WALLING	Erie.	
B. FRANK ESHLEMAN	Lancaster.	
HAROLD M. MCCLURE	Union.	
ALFRED P. REID	Chester.	
WILLIAM I. SCHAFFER	Delaware.	1901-1902.
RICHMOND L. JONES	Berks.	
EDWIN W. SMITH	Allegheny.	
CHARLES E. RICE	Luzerne.	
HENRY C. NILES	York.	
JOHN STEWART	Franklin.	1902-1903.
JOSEPH C. BUCHER	Union.	
J. B. COLAHAN, JR.	Philadelphia.	
CHARLES P. ORR	Allegheny.	
HENRY LEAR	Bucks.	
GEORGE B. ORLADY	Huntingdon.	1903-1904
RICHARD C. DALE	Philadelphia.	
JAMES R. MACFARLANE	Allegheny.	
HENRY J. STEELE	Northampton.	
GEORGE A. ALLEN	Erie.	
M. HAMPTON TODD	Philadelphia.	1904-1905.
GEORGE B. GORDON	Allegheny.	
ROBERT E. UMBEL	Fayette.	
HENRY K. WEAND	Montgomery.	
J. W. BOUTON	McKean.	
ROBERT S. FRAZER	Allegheny.	1905-1906.
CYRUS E. WOODS	Westmoreland.	
CHARLES W. STONE	Warren.	
MAHLON H. STOUT	Bucks.	
RUSSELL C. STEWART	Northampton.	
SAMUEL W. PENNYPACKER	Montgomery.	1906-1907.
FRANCIS J. O'CONNOR	Cambria.	
FRANK M. TREXLER	Lehigh.	
C. H. MCCAULEY	Elk.	
BOYD CRUMRINE	Allegheny.	
FRANK C. MCGIRR	Allegheny.	1907-1908.
MAHLON H. STOUT	Bucks.	
FRANCIS J. KOOSER	Somerset.	
T. C. HIPPLE	Clinton.	
JOHN A. CLARK	Philadelphia.	

NAME	COUNTY	YEAR
ROBERT S. MURPHY	Cambria.	1908-1909.
HARRY WHITE	Indiana.	
CHARLES B. STAPLES	Monroe.	
CHARLES P. ORR	Allegheny.	
W. SCOTT ALEXANDER	Fulton.	
WILLIAM S. DALZELL	Allegheny.	1909-1910.
D. WATSON ROWE	Franklin.	
RUSSELL C. STEWART	Northampton.	
CHARLES M. CLEMENT	Northumberland.	
JOHN I. ROGERS	Philadelphia.	
W. A. BLAKELEY	Allegheny.	1910-1911.
R. T. CORNWELL	Chester.	
ALLISON O. SMITH	Clearfield.	
ANDREW H. MCCLINTOCK	Luzerne.	
A. MITCHELL PALMER	Monroe.	

LIST OF SECRETARIES

NAME

- EDWARD P. ALLINSON, Philadelphia. Elected on organization of Association, January 16, 1895, and served continuously until his death, January 16, 1901.
- WILLIAM H. STAAKE, Philadelphia. Since January, 1901.

LIST OF TREASURERS

NAME

- WILLIAM PENN LLOYD, Cumberland. Since organization of the Association, January 16, 1895.

DATES AND PLACES OF ANNUAL MEETINGS

1895	January 16.....	Preliminary Convention,	Harrisburg.
1895	July 10, 11.....	First Annual Meeting,	Bedford Springs.
1896	July 8, 9.....	Second	" " " "
1897	June 30, July 1.....	Third	" " Cresson.
1898	July 7, 8.....	Fourth	" " Delaware Water Gap.
1899	July 6, 7.....	Fifth	" " Wilkes-Barre.
1900	June 26, 27, 28.....	Sixth	" " Cambridge Springs.
1901	June 25, 26, 27.....	Seventh	" " Bedford Springs.
1902	June 30, July 1, 2....	Eighth	" " Cambridge Springs.
1903	June 29, 30, July 1..	Ninth	" " " "
1904	June 28, 29, 30.....	Tenth	" " Cape May, N. J.
1905	June 27, 28, 29.....	Eleventh	" " Bedford Springs.
1906	June 26, 27, 28.....	Twelfth	" " " "
1907	June 25, 26, 27.....	Thirteenth	" " " "
1908	June 23, 24, 25.....	Fourteenth	" " Cape May, N. J.
1909	June 29, 30, July 1...	Fifteenth	" " Bedford Springs.
1910	June 28, 29, 30.....	Sixteenth	" " Cape May, N. J.
1911	June 27, 28, 29.....	Seventeenth	" " Bedford Springs.

PRESIDENTS' ADDRESSES

YEAR	NAME	SUBJECT
1895 . . .	JOHN W. SIMONTON	"Pennsylvania Jurisprudence."
1896 . . .	SAMUEL DICKSON	{ "The Development in Pennsylvania of Constitutional Restraints upon the Power and Procedure of the Legislature."
1897 . . .	P. C. KNOX	{ "The Law of Labor and Trade."
1898 . . .	WILLIAM U. HENSEL	{ "The Legislature of 1897, as an Illustration of the Decline of the Legislative Branch of our State Government."
1899 . . .	STANLEY WOODWARD	"The Wyoming Valley."
1900 . . .	LYMAN D. GILBERT	{ "Some Changes in the Law and Their Effect on Lawyers."
1901 . . .	WILLIAM SCOTT	"Legislature of 1901."
1902 . . .	ALEX. SIMPSON, JR.	{ "Charitable Appropriations and Special Legislation."
1903 . . .	C. LARUE MUNSON.	{ "The Brotherhood of Bench and Bar."
1904 . . .	NATHANIEL EWING	{ "The Ethics of the Legal Profession."
1905 . . .	HENRY C. NILES	{ "Statutory Changes in the State of Public Interest."
1906 . . .	J. B. COLAHAN, JR.	{ "Statutory Changes in the State of Public Interest."
1907 . . .	THOMAS PATTERSON	{ "Statutory Changes in the State of Public Interest."
1908 . . .	ROBERT SNODGRASS	{ "Legislative Assistance," or, "Some Aspects of Reform in Legislation."
1909 . . .	M. HAMPTON TODD	{ "Statutory Changes in the State of Public Interest."
1910 . . .	GUSTAV A. ENDLICH	{ "The Constitutional Amendments of 1909, with Some Remarks on Current Legislation."
1911 . . .	EDWIN W. SMITH	{ "Law and the Function of Legislation."

ANNUAL ADDRESSES

YEAR	NAME	SUBJECT
1895 . . .	J. NEWTON FIERO	{ "The Work of the Bar Association."
1896 . . .	CORTLANDT PARKER	"Sir Matthew Hale."
1897 . . .	HILARY A. HERBERT	{ "The Supreme Court of the United States and its Functions."
1898 . . .	JOHN V. L. FINDLAY	{ "Some of the International Aspects of the Cuban Question."
1899 . . .	WILLIAM B. HORNBLOWER . . .	{ "Some Legal Problems of the Twentieth Century."
1900 . . .	JOHN K. RICHARDS	{ "The Constitution and the New Territories."
1901 . . .	U. M. ROSE	{ "The Rise of Constitutional Law."
1902 . . .	WILLIAM WIRT HOWE	{ "Jus Gentium and Law Merchant."
1903 . . .	JAMES B. DILL	{ "Some Aspects of New Jersey's Corporate Policy."
1904 . . .	HENRY E. DAVIS	{ "The Law Spirit; Its Source and Its Sway."
1905 . . .	CHARLES A. GARDINER	{ "The Constitutional Powers and Discretion of the President."
1906 . . .	WILLIAM H. TAFT	{ "The Legislature and the Execution of the Laws."
1907 . . .	HON. GEORGE GRAY	"The New Federalism."
1908 . . .	HON. HANNIS TAYLOR	{ "Pelatiah Webster, the Architect of the Constitution."
1909 . . .	HON. AMASA M. EATON	{ "Thomas W. Dorr and The Dorr War in Rhode Island."
1910 . . .	HON. JAMES PENNEWILL	"The Layman and the Law"
1911 . . .	HON. ANDREW J. MONTAGUE . .	"A More Effective Cabinet."

PAPERS READ

YEAR	NAME	SUBJECT
1895 . . .	ALEX. SIMPSON, JR.	"The Local Bar Association."
1895 . . .	GEORGE W. PEPPER	"Legal Education."
1896 . . .	WM. B. RODGERS	"The Libel Law."
1897 . . .	JOHN B. MCPHERSON	{ "The Jurisdiction of the Supreme and Superior Courts of Pennsylvania."
1897 . . .	THOMAS PATTERSON	
1898 . . .	GUSTAV A. ENDLICH	{ "The Jurisdiction of the Justice of the Peace and the Possible Application of the Small Debtors' Court on the English Plan."
1898 . . .	WILLIAM DRAPER LEWIS	
1898 . . .	GUSTAV A. ENDLICH	{ "Proposed Changes in the Law of Expert Testimony."
1898 . . .	WILLIAM DRAPER LEWIS	
1899 . . .	JAMES T. MITCHELL	{ "The Study of the Common Law."
1899 . . .	JAMES T. MITCHELL	
1899 . . .	JAMES T. MITCHELL	{ "Fidelity to the Court and Client in Criminal Cases."
1899 . . .	JAMES T. MITCHELL	
1900 . . .	TALCOTT WILLIAMS	{ "The Jury System from the Jury Panel."
1900 . . .	TALCOTT WILLIAMS	
1900 . . .	RICHARD C. DALE	{ "The Obligation of the Legislature as well as of the Judiciary in giving Effect to Constitutional Limitations."
1900 . . .	RICHARD C. DALE	
1901 . . .	RICHARD L. ASHHURST	{ "William Morris Meredith."
1901 . . .	RICHARD L. ASHHURST	
1901 . . .	S. W. DANA	{ "Law and Letters, or Some Reflections on the Relations of our Profession to Literature."
1901 . . .	S. W. DANA	
1902 . . .	RICHMOND L. JONES	{ "Business Corporations in Pennsylvania."
1902 . . .	RICHMOND L. JONES	
1902 . . .	SAMUEL W. COOPER	{ "The Abolition of Actions for Breach of Promise of Marriage and Alienation of Affections."
1902 . . .	SAMUEL W. COOPER	
1902 . . .	JOHN I. ROGERS	{ "Military Law and Its Tribunals."
1902 . . .	JOHN I. ROGERS	
1902 . . .	HENRY J. STEELE	{ "The Right of the Municipality to Abate a Nuisance on the Streets Without the Preliminary Action of the Courts."
1902 . . .	HENRY J. STEELE	

YEAR	NAME	SUBJECT
1903 . . .	THOMAS RAE BURN WHITE . . .	{ "Judicial Oaths and Their Effect Upon the Competency of Witnesses."
1903 . . .	CHARLES WETHERILL	{ "On the Judicial Recording of Titles."
1903 . . .	PAUL H. GAITHER	{ "The Recent Amendments to the Bankruptcy Act of 1898."
1903 . . .	GEORGE W. CARR	{ "Jeremiah S. Black and His Influence upon the Laws of Pennsylvania."
1903 . . .	HENRY C. NILES	{ "The Constitution between Friends."
1903 . . .	HENRY A. FULLER	{ "The Responsive Answer in Equity Considered as Evidence for the Defendant."
1904 . . .	JOHN MARSHALL GEST	{ "The Lawyer."
1904 . . .	N. M. EDWARDS	{ "Municipal Autonomy and Code Limitations."
1904 . . .	LOUIS RICHARDS	{ "The Pennsylvania Bar and Its Influence."
1904 . . .	J. LEVERING JONES	{ "Labor and the Law."
1904 . . .	JAMES H. TORREY	{ "Some Remarks Upon Charging the Jury in a Trial for Murder."
1905 . . .	ROBERT RALSTON	{ "Justice Without Delay."
1905 . . .	IRA JEWELL WILLIAMS	{ "James Buchanan."
1905 . . .	W. RUSH GILLAN	{ "Thaddeus Stevens as a Country Lawyer."
1906 . . .	WILLIAM U. HENSEL	{ "A Philadelphia Lawyer in the London Courts."
1906 . . .	THOMAS LEAMING	{ "Legislation in Pennsylvania."
1906 . . .	CYRUS E. WOODS	{ "Some Questions of Legal Ethics Suggested by the Life and Career of Lord Chancellor Bacon, Viscount St. Albans."
1906 . . .	RICHARD L. ASHHURST	{ "Some Questions of Administrative Law."
1906 . . .	HAMPTON L. CARSON	{ "Coke Upon Littleton—A Wise Course of Study."
1906 . . .	CLEMENT B. PENROSE	{ "The Legal Aspects of the Trial of Jesus Christ."
1907 . . .	EDWARD J. FOX	{ "The Guaranties of Liberty in the Early Law of Pennsylvania."
1907 . . .	MICHAEL WILLIAM JACOBS . . .	{ }

YEAR	NAME	SUBJECT
1907 . . .	JOHN D. SHAFER	{ "The History of the Law as Part of the Course of Study Required for Admission to the Bar."
1907 . . .	WALTER GEORGE SMITH	"Uniform Divorce Laws."
1908 . . .	A. LEO. WEIL	{ "Modern Municipal Conditions and the Lawyers' Responsi- bility."
1908 . . .	HARMAN YERKES	{ "Some Observations of the Practice of the French Code."
1908 . . .	CHARLES L. MCKEEHAN	{ "Testing Legislative Rate Reg- ulations under the Fourteenth Amendment."
1909 . . .	JOHN W. APPEL	{ "Gibson and a Progressive Jurisprudence."
1909 . . .	WILLIAM W. SMITHERS	{ "Comparative Law as a Prac- tical Science."
1909 . . .	A. J. W. HUTTON	"A Judicial Solecism."
1909 . . .	OWEN J. ROBERTS	{ "Full Paid and Non-Assess- able."
1910 . . .	HAMPTON L. CARSON	{ "The Genesis of Blackstone's Commentaries and Their Place in Legal Literature."
1910 . . .	H. FRANK ESHLEMAN	{ "The Constructive Genius of David Lloyd in Early Colo- nial Pennsylvania Legislation and Jurisprudence, 1686 to 1731."
1911 . . .	ROBERT RALSTON	{ "The Delay in the Execution of Murderers."
1911 . . .	JOHN MARSHALL GEST	{ "The Law and Lawyers of Balzac."

OFFICERS OF THE AMERICAN BAR
ASSOCIATION, 1911-1912

President

STEPHEN S. GREGORY, Chicago, Ill.

Secretary

GEORGE WHITELOCK, Baltimore, Md.

Assistant Secretary

W. THOMAS KEMP, Baltimore, Md.

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Vice President for Pennsylvania

ALEX. SIMPSON, JR., Philadelphia.

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GEORGE R. BEDFORD,	Wilkes-Barre.
ROBERT P. SHICK,	Philadelphia.
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W. I. SCHAFFER,	Chester.
EDWIN M. ABBOTT,	Philadelphia.
HENRY J. STEELE,	Easton.
CHARLES M. CLEMENT,	Sunbury.

LIST OF BAR ASSOCIATIONS IN PENNSYLVANIA

NAME	PRESIDENT	SECRETARY
PENNSYLVANIA BAR ASSOCIATION.	George R. Bedford, Wilkes-Barre.	William H. Staake, Philadelphia.
*ADAMS COUNTY BAR ASSOCIATION.	Hon. Wm. McClean, Gettysburg.	W. C. Sheely, Gettysburg.
ALLEGHENY COUNTY BAR ASSOCIATION.	William S. Miller, Pittsburgh.	Harry G. Tinker, Pittsburgh.
ARMSTRONG COUNTY BAR ASSOCIATION.	J. H. Painter, Kittanning.	John W. Rohrer, Kittanning.
LAW ASSOCIATION OF BEAVER COUNTY.	Frank E. Reader, New Brighton.	Charles R. May, Beaver Falls.
BEDFORD COUNTY BAR ASSOCIATION.	Alvin L. Little, Bedford.	B. F. Madore, Bedford.
BERKS COUNTY BAR ASSOCIATION.	Isaac Hiester, Reading.	Thomas K. Leidy, Reading.
BLAIR COUNTY BAR ASSOCIATION.	William S. Hammond, Altoona.	J. Foster Mick, Altoona.
BRADFORD COUNTY BAR ASSOCIATION.	Rodney A. Mercur, Towanda.	Stephen H. Smith, Towanda.
BUCKS COUNTY BAR ASSOCIATION.	Hon. Harman Yerkes, Doylestown.	Henry A. James, Doylestown.
BUTLER COUNTY BAR ASSOCIATION.	J. D. McJunkin, Butler.	Thomas W. Watson, Butler.
CAMBRIA BAR ASSOCIATION.	Hon. W. Horace Rose, Johnstown.	H. H. Myers, Ebensburg.
CAMERON COUNTY BAR ASSOCIATION.	Hon. J. C. Johnson, Emporium.	Jay Paul Felt, Emporium.
CARBON COUNTY BAR ASSOCIATION.	Hon. E. M. Mulhearn, Mauch Chunk.	Frank P. Sharkey, Mauch Chunk.
CENTRE COUNTY BAR ASSOCIATION.	Hon. Ellis L. Orvis, Bellefonte.	A. B. Kimport, Bellefonte.
CHESTER COUNTY LAW AND MISCELLANEOUS LIBRARY ASSOCIATION.	William M. Hayes, West Chester.	Thomas Lack, West Chester.
CLARION BAR ASSOCIATION.	David Lawson, Clarion.	W. D. Burns, Clarion.
CLEARFIELD COUNTY LAW ASSOCIATION.	Hon. Allison O. Smith, Clearfield.	Alfred M. Liveright, Clearfield.
CLEARFIELD LAW LIBRARY ASSOCIATION.	Smith V. Wilson, Clearfield.	W. C. Miller, Clearfield.
CLINTON COUNTY BAR ASSOCIATION.	C. S. McCormick, Lock Haven.	Howard Counsil, Lock Haven.
COLUMBIA COUNTY BAR ASSOCIATION.	John G. Freeze, Bloomsburg.	George E. Elwell, Bloomsburg.
CRAWFORD COUNTY BAR ASSOCIATION.	B. B. Pickett, Jr., Meadville.	E. Lowry Humes, Meadville.
CUMBERLAND COUNTY BAR ASSOCIATION.	James W. Eckels, Carlisle.	Jasper Alexander, Carlisle.

NAME	PRESIDENT	SECRETARY
DAUPHIN COUNTY BAR ASSOCIATION.	William H. Middleton, Harrisburg.	Job J. Conklin, Harrisburg.
DELAWARE COUNTY BAR ASSOCIATION.	George E. Darlington, Media.	J. C. Taylor, Chester.
ELK COUNTY BAR ASSOCIATION.	Hon. Harry Alvan Hall, Ridgway.	Fred W. McFarlin, Ridgway.
ERIE COUNTY BAR ASSOCIATION.	John S. Rilling Erie.	William B. Walling, Erie.
FAYETTE COUNTY BAR ASSOCIATION.	A. F. Cooper, Uniontown.	C. A. Rhoads, Uniontown.
FOREST BAR ASSOCIATION.	S. D. Irwin, Tionesta.	T. F. Ritchey, Tionesta.
FRANKLIN COUNTY BAR ASSOCIATION.	O. C. Bowers, Chambersburg.	Loren A. Culp, Chambersburg.
FULTON COUNTY BAR ASSOCIATION.	J. Nelson Sipes, McConnellsburg.	W. Scott Alexander, McConnellsburg.
HUNTINGDON COUNTY BAR ASSOCIATION.	J. R. Simpson, Huntingdon.	James S. Woods, Huntingdon.
INDIANA COUNTY LAW ASSOCIATION.	J. N. Banks, Indiana.	Elder Peelor, Indiana.
*JEFFERSON COUNTY BAR ASSOCIATION.	E. A. Carmalt, Brookville.	John M. White, Brookville.
JUNIATA COUNTY BAR ASSOCIATION.	B. F. Burchfield, Mifflintown.	F. M. M. Pennell, Mifflintown.
LACKAWANNA LAW AND LIBRARY ASSOCIATION.	Samuel B. Price, Scranton.	James E. Davis, Scranton.
LANCASTER BAR ASSOCIATION.	W. U. Hensel, Lancaster.	John W. Appel, Lancaster.
LAWRENCE COUNTY BAR ASSOCIATION.	E. M. Underwood, New Castle.	William H. Stevenson, New Castle.
LEBANON COUNTY BAR ASSOCIATION.	Charles M. Zerbe, Lebanon.	Edward W. Miller, Lebanon.
BAR ASSOCIATION OF LEHIGH COUNTY.	Hon. Edward Harvey, Allentown.	Francis G. Lewis, Allentown.
LYCOMING LAW ASSOCIATION.	Addison Candor, Williamsport.	Willis Ellis Haines, Williamsport.
McKEAN COUNTY BAR ASSOCIATION.	E. L. Keenan, Smethport.	Guy B. Mayo, Smethport.
MERCER COUNTY BAR ASSOCIATION.	B. Magoffin, Mercer.	Virgil L. Johnson, Mercer.
MIFFLIN COUNTY BAR ASSOCIATION.	T. M. Uttley, Lewistown.	Michael M. McLaughlin, Lewistown.
MONROE COUNTY BAR ASSOCIATION.	Hon. C. B. Staples, Stroudsburg.	Harvey Huffman, Stroudsburg.
MONTGOMERY COUNTY BAR ASSOCIATION.	Hon. H. K. Weand, Norristown.	Wm. F. Dannehower, Norristown.
MONTOUR COUNTY BAR ASSOCIATION.	H. M. Hinckley, Danville.	Charles V. Amerman, Danville.
NORTHAMPTON COUNTY BAR ASSOCIATION.	Hon. Robert E. James, Easton.	David Bachman, Easton.

NAME	PRESIDENT	SECRETARY
NORTHUMBERLAND COUNTY LAW ASSOCIATION.	Wm. H. M. Oram, Shamokin.	Harry S. Knight, Sunbury.
PERRY COUNTY BAR ASSOCIATION.	W. N. Seibert, New Bloomfield.	Walter W. Rice, New Bloomfield.
LAW ASSOCIATION OF PHILADELPHIA.	Alex. Simpson, Jr., <i>Chancellor</i> , Philadelphia.	Louis Barcroft Runk, Philadelphia.
LAWYERS' CLUB OF PHILADELPHIA.	Francis Shunk Brown, Philadelphia.	Henry C. Thompson, Jr., Philadelphia.
POTTER COUNTY BAR ASSOCIATION.	Hon. John Ormerod, Coudersport.	A. N. Crandall, Coudersport.
LAW ASSOCIATION OF SCHUYLKILL COUNTY.	Guy E. Farquhar, Pottsville.	Wesley K. Woodbury, Pottsville.
SNYDER COUNTY BAR ASSOCIATION.	A. W. Potter, Selin's Grove.	Jay G. Weiser, Middleburg.
SOMERSET COUNTY BAR ASSOCIATION.	Herman L. Baer, Somerset.	H. F. Yost, Somerset.
SULLIVAN COUNTY BAR ASSOCIATION.	J. G. Scouten, Dushore.	Wm. P. Shoemaker, La Porte.
SUSQUEHANNA COUNTY LEGAL ASSOCIATION.	William M. Post, Montrose.	H. A. Denney, Montrose.
TIOGA COUNTY BAR ASSOCIATION.	S. F. Channell, Wellsboro.	Alfred J. Shattuck, Wellsboro.
UNION COUNTY BAR ASSOCIATION.	Hon. Alfred Hayes, Lewisburg.	Cloyd Steininger, Lewisburg.
VENANGO COUNTY BAR ASSOCIATION.	Hon. Robert F. Glenn, Franklin.	John L. Nesbit, Franklin.
WARREN COUNTY BAR ASSOCIATION.	Hon. O. C. Allen, Warren.	Sidney D. Blackman, Warren.
WASHINGTON BAR ASSOCIATION.	Robert W. Knox, Washington.	Edgar B. Murdoch, Washington.
WAYNE BAR ASSOCIATION.	Henry Wilson, Honesdale.	R. M. Stocker, Honesdale.
WAYNESBURG BAR ASSOCIATION.	Hon. J. B. Donley, Waynesburg.	James J. Purman, Waynesburg.
WESTMORELAND LAW ASSOCIATION.	James S. Moorhead, Greensburg.	Ralph D. Hurst, Greensburg.
WILKES-BARRE LAW AND LIBRARY ASSOCIATION.	Alexander Farnham, Wilkes-Barre.	Joseph D. Coons, Wilkes-Barre.
*WYOMING COUNTY BAR ASSOCIATION.	James W. Piatt, Tunkhannock.	H. Stanley Harding, Tunkhannock.
YORK COUNTY BAR ASSOCIATION.	Smyser Williams, York.	George Hay Kain, York.

NOTE.—Where no replies have been received up to the time of going to press, the officers for 1910 are given and indicated by a star

BY-LAWS

of the

Pennsylvania Bar Association

As Amended at the Annual Meetings of 1896, 1897, 1904 and 1910

I.—*Objects.*

SEC. 1. This Association is formed to advance the science of jurisprudence; to promote the administration of justice; to secure proper legislation; to encourage a thorough legal education; to uphold the honor and dignity of the Bar; to cultivate cordial intercourse among the lawyers of Pennsylvania; and to perpetuate the history of the profession and the memory of its members.

SEC. 2. It shall not take any partisan political action, nor endorse or recommend any person for any official position.

II.—*Members.*

SEC. 3. Those members of the Bar who signed the call for the convention at which this Association was formed, or who attended any meeting thereof, or who shall before the adjournment of the meeting held at Bedford Springs, July 10-11, 1895, pay the admission fee, and sign, or cause to be signed for them, a roll containing the charter and by-laws, are hereby declared to be active members of this Association.

SEC. 4. Any member of the Bar of the Supreme Court or Superior Court of Pennsylvania, residing or practicing in this State; any State or Federal Judge residing in this State; and any professor in a regularly organized law school in this State; who shall comply with the requirements hereinafter set forth, may become an active member upon approval by a majority of the Committee on Admissions.

SEC. 5. All applications for membership must be in writing, signed by the applicant, stating, *inter alia*, his name, age, residence and date of admission to practice in the Supreme Court or Superior Court, commission to the Bench, or appointment as professor in a regularly organized law school in the State; and endorsed by three or more members of the Association, and must be accompanied by the usual admission fee.

SEC. 6. (*Abolished.*)

SEC. 7. A list of applications admitted by the Committee on Admissions during the interim of the meetings of the Association, shall be reported at each annual meeting.

SEC. 8. Rejected applicants shall not be again proposed within one year after their rejection.

SEC. 9. Distinguished non-resident lawyers may be elected honorary members by a vote of the Association, and shall have a voice, but no vote, at meetings of the Association.

III.—*Officers.*

SEC. 10. The officers shall be a President, a first, second, third, fourth and fifth Vice-Presidents, a Secretary and a Treasurer. The offices of Secretary and Treasurer may be held by one person.

SEC. 11. The President shall preside at all meetings of the Association, and shall deliver at the annual meeting an appropriate address, with particular reference to any statutory changes in the State of public interest, and any needed changes suggested by judicial decisions during the year.

SEC. 12. The Vice-Presidents, according to number, shall act, when required, in the place of the President.

SEC. 13. The Secretary shall keep a record of the proceedings of the Association, and of such other matters as may be directed to be placed on the files of the Association; he shall keep an accurate roll of the officers and members, and notify them of their election or appointment on committees; he shall issue notices of all meetings; furnish the Treasurer with the names and addresses of persons elected members; conduct the correspondence of the Association; and keep its seal. He shall report to the Executive Committee, prior to the annual meeting, a summary of his transactions during the year; and shall perform such other duties as may be required of him by the Association, the President, or the Executive Committee. His books and papers shall at all times be open to the inspection of the Executive Committee, and he shall receive such compensation as shall be allowed by that committee.

SEC. 14. The Treasurer shall keep an accurate roll of the active members of the Association; notify members of their election to membership; collect, keep careful and regular book accounts of, and expend, under direction of the Association or the Executive Committee, all moneys of the Association; and shall exhibit at the annual meeting, and when directed by the Association or the Executive Committee, detailed statements of the moneys received and expended, the amounts due to and by the Association, and an estimate of the resources and expenditures for the ensuing year. His books and accounts shall at all times be subject to examination and audit by the Executive Committee, or by any special committee appointed for that purpose. He shall give bond in such sum as shall be required by the Executive Committee, and shall receive such compensation as that committee shall allow.

SEC. 15. Vacancies in the offices of the Association shall be filled by the Executive Committee, but no appointment

shall be made to the office of President while any Vice-President is able and willing to serve.

IV.—*Elections.*

SEC. 16. The officers of the Association shall be elected at the annual meeting to serve for one year and until their successors are chosen.

SEC. 17. No member shall be elected President for two successive terms.

SEC. 18. Two persons residing in the same county shall not serve as Vice-Presidents at the same time; but, as far as practicable, they shall severally be chosen from different sections of the State. If two from the same county are elected at one time, the one having the lowest vote shall be rejected, and a new vote taken to fill the office.

V.—*Meetings.*

SEC. 19. The annual meeting shall be held at such time and place as the Association shall determine at the preceding annual meeting. And in default of such selection, or in the event of the time and place fixed by the Association becoming impracticable, the Executive Committee shall make the selection.

SEC. 20. Adjourned meetings shall be held at such time and place as the Association shall determine.

SEC. 21. Special meetings shall be called by the Secretary, when requested in writing by the President, the Executive Committee, or fifty members of the Association. Such request shall specify the purpose of the meeting. At special meetings no business shall be transacted except that stated in the call, unless by consent of four-fifths of the members present and voting.

SEC. 22. At all meetings fifty members shall constitute a quorum for the transaction of business.

SEC. 23. At least one month's notice shall be given of the annual meeting, and ten days' notice of adjourned or special meetings, by letter mailed to the last known address of each member.

SEC. 24. The Executive Committee shall arrange for the reading of appropriate papers at the annual meeting, and for the discussion thereof. So far as practicable, notice thereof shall be given to the members in the call for the meeting.

SEC. 25. At all meetings of the Association the order of business shall be as arranged by the Executive Committee, subject, however, to such changes as the Association may make therein.

SEC. 26. Except as herein otherwise provided, the meetings shall be conducted according to the usual parliamentary rules; but, without leave of the Association, no member shall be permitted to speak more than ten minutes at any one time, or more than twice on the same subject.

SEC. 27. Except by leave of the Association no one not a member shall be allowed on the floor while the meetings are in progress.

SEC. 28. No complimentary resolution shall be entertained relative to the reading of any paper by, or to the performance of any act or duty by, any officer or member of the Association.

SEC. 29. A stenographer shall be selected by the Executive Committee to report the proceedings of each meeting; and those proceedings, together with any papers read at the meeting, shall be printed, and a copy thereof sent to each member. Copies shall also be sent to every Law Library

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in the State, to every other State Bar Association extending a like courtesy to this Association, and to every National Bar Association.

VI.—Committees.

SEC. 30. The Standing Committees shall be an Executive Committee, a Committee on Admissions, a Committee on Grievances, a Committee on Law Reform, a Committee on Uniform State Laws, a Committee on Legal Education, and a Committee on Legal Biography.

SEC. 31. The Executive Committee shall consist of twenty-one members, who shall be elected by the Association, and who shall act as Trustees, exclusive of the President, Secretary and Treasurer, who shall be *ex-officio* members. They shall have general management of the affairs of the Association, make arrangements for meetings, including, as far as may be, the obtaining of reasonable accommodations at, and of reasonable transportation to and from, the place of meeting; shall order the disbursement of the funds of the Association; audit the accounts, and have such other powers as may be conferred on them by these by-laws or by a vote of the Association.

SEC. 32. The Committee on Admissions shall consist of nine members, chosen from different sections of the State. All applications for membership shall be referred to this committee. They shall report to the Association the names of such persons as they deem suitable for membership, and shall seek to bring in all the lawyers of the State fitted to become members. What occurs at the meetings of this committee shall be considered confidential, except such matters as shall be publicly reported to the Association. Any ten members may appeal, in writing, to the Association from the failure or refusal of this committee to report favorably any application for membership.

SEC. 33. The Committee on Grievances shall consist of five members. They shall hear all complaints preferred by one member against another for misconduct in his relations to the profession or to this Association, provided the same be in writing, particularly stating the matters complained of, and signed by the complainant. They may also hear any specific complaints made by any member affecting the interest of the profession, the practice of law or the administration of justice; and may report thereon to the Association, with such recommendations as they deem advisable. No report shall be made adversely to any member until after notice to him, with full opportunity to defend and to meet his accusers and witnesses face to face. The adverse action of this committee must be approved by a vote of not less than two-thirds of the members present and voting. What occurs at the meetings of this committee shall be considered confidential except such matters as shall be publicly reported to the Association.

SEC. 34. The Committee on Law Reform shall consist of eleven members, chosen from different sections of the State. They shall consider and report to the Association such amendments of the law as they shall deem beneficial, oppose such as they shall deem injurious, observe the practical working of the judicial system of the State, and recommend from time to time such action as they shall deem best.

SEC. 35. The Committee on Uniform State Laws shall consist of three members, and shall examine and report annually on such measures of uniform State legislation as may be recommended by the State Board of Commissioners for promoting uniformity of legislation in the United States, and such other matters relating thereto as may be referred to them.

SEC. 36. The Committee on Legal Education shall consist of one member from each judicial district of the State.

They shall report from time to time such changes as they shall deem it is expedient to make in the system of legal education and of admission to the practice of law in the State.

SEC. 37. The Committee on Legal Biography shall consist of one member from each judicial district of the State. They shall provide for the preservation, among the records of the Association, of such facts relating to the history of the profession as may be of interest, and of suitable memorials of the lives and characters of deceased members of the Association.

SEC. 38. Unless otherwise provided for hereby, or by the Association, all committees and vacancies therein shall be filled by appointment of the President. Special committees shall serve until they have been discharged by a vote of the Association. Standing committees shall serve until the expiration of the next annual meeting, and the appointment of their successors. All committees may by a majority vote of the whole committee substitute some other chairman than the one appointed, may elect such other officers as they deem necessary, make rules for their government, and keep minutes of their proceedings, and shall make annual reports to the Association. They may provide that matters requiring attention between meetings may be voted on by letter, and that a failure of any member to attend three successive meetings shall cause his membership in the committee to become vacant. The rules adopted by one standing committee shall govern the succeeding committees until altered thereby.

SEC. 39. Such other committees may be appointed or elected from time to time as shall be deemed expedient; but except by a vote of the Association, no matter shall be referred to a special committee which is within the province of any of the Standing Committees.

SEC. 40. In committees of nine or more, five shall constitute a quorum for the transaction of business; and in committees of less than nine, a majority shall constitute a quorum. In case of necessity, the annual report of the Standing Committees may be prepared and adopted by less than a quorum.

VII.—*Dues.*

SEC. 41. The current year of the Association shall commence on the first day of July, and the annual dues shall be payable on that date. Active members shall pay five dollars per year. The admission fee of five dollars shall include the first year's dues. Honorary members shall pay no admission fee or dues.

SEC. 42. The Treasurer shall, after diligently seeking to collect the same, and with notice to the member of this by-law, report to the Executive Committee the names of all members who are one year in arrears for their dues, and that committee may, by rule or direct vote on that report, declare that, by reason thereof, such persons have ceased to be members of the Association.

VIII.—*Penalties.*

SEC. 43. Any member may be suspended or expelled for misconduct in matters connected with the Association, or in his personal or professional relations, after conviction thereof by the Committee on Grievances and the approval of such conviction by this Association.

SEC. 44. Conviction of any member for crime shall at once work a forfeiture of membership in the Association, which forfeiture shall continue until such conviction be set aside or reversed; but if it shall afterwards be made to appear that such member was wrongfully convicted, he may

be re-elected to membership upon recommendation of the Committee on Admissions.

SEC. 45. If any member is disbarred from practice in the Supreme Court, or from the courts of the county in which he resides, such disbarment shall work a forfeiture of his membership, until the disbarment be set aside or reversed. Reinstatement to practice shall not reinstate to membership, unless by a vote of the Association upon recommendation of the Committee on Admissions.

SEC. 46. A member's interest in the property of the Association shall cease with his membership.

IX.—*Amendments.*

SEC. 47. Amendments may be made to these by-laws only at an annual meeting, and by a vote of two-thirds of the members present; and no amendment shall be considered (except by unanimous consent of those present) unless a copy of the same shall have been sent to the Secretary, and notice of the intention to offer the same shall have been included in the call for the annual meeting.

RESOLUTION

Adopted at the Thirteenth Annual Meeting of the Pennsylvania Bar Association at Bedford Springs, June 25, 1907:

Resolved, That it be adopted as a standing rule that at all meetings and banquets of the Pennsylvania Bar Association the National and State flags shall be displayed, and the Executive Committee shall see that this rule is carried out.

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